

1 ADAM GORDON
United States Attorney
2 ROBBIN O. LEE
Assistant United States Attorney
3 New York Bar No. 5738067
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-7462
Email: Robbin.Lee@usdoj.gov
6
7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

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TATIANA MIAGKIKH,

Petitioner,

v.

CHRISTOPHER J. LAROSE, et al,

Respondents.

Case No.: 25-cv-3755-CAB-BJW

**RETURN TO PETITION FOR WRIT
OF HABEAS CORPUS**

1 **I. INTRODUCTION**

2 Petitioner requests the Court to order her immediate release from Immigration
3 and Customs Enforcement (ICE) custody or require that she be afforded a bond
4 hearing. As an arriving alien and applicant for admission, however, Petitioner’s
5 detention is mandated by 8 U.S.C. § 1225(b)(2) until the conclusion of her removal
6 proceedings. Accordingly, the Court should deny Petitioner’s requests for relief.

7 **II. FACTUAL AND PROCEDURAL BACKGROUND**

8 Petitioner is a native and citizen of Russia. ECF No. 1 at 2-3 ¶ 3. On April 21,
9 2025, she applied for admission to the United States at a port of entry. *See id.* at 7 ¶ 18.
10 She did not possess legal documentation to be in or enter the United States. *See Exhibit*
11 *1* at 4. She was determined to be an arriving alien inadmissible under 8 U.S.C.
12 § 1182(a)(7)(A)(i)(I), placed into expedited removal proceedings under 8 U.S.C.
13 § 1225(b)(1), and taken into Immigration and Customs Enforcement (ICE) custody
14 pursuant to 8 U.S.C. § 1225(b)(1)(B).

15 She was then interviewed by an asylum officer. *See ECF No. 1* at 7 ¶ 19. On July
16 15, 2025, Petitioner was issued a Notice to Appear (NTA). Exhibit 1. The filing of the
17 NTA initiated removal proceedings against Petitioner, and those proceedings remain
18 ongoing. *Id.* at 7-9 ¶ 24-27. Within her removal proceedings under 8 U.S.C. § 1229a,
19 Petitioner has the opportunity to apply for relief from removal before an immigration
20 judge (IJ), including asylum under 8 U.S.C. § 1158, withholding of removal under 8
21 U.S.C. § 1231(b)(3), and relief under the Convention Against Torture.

22 The Notice to Appear scheduled Petitioner’s initial master calendar hearing for
23 July 28, 2025. *Id.* at 7 ¶ 22. On September 12, 2025, the immigration judge held a bond
24 hearing and denied her bond. *See Exhibit 2.* Petitioner’s removal proceedings remain
25 pending, and her individual merits hearing is scheduled for March 19, 2026. *See ECF*
26 *No. 1* at 9 ¶ 27.

27 As a result, there is no administratively final order of removal at this time.
28 Because Petitioner is an alien who is an applicant for admission, she remains

1 mandatorily detained at the Otay Mesa Detention Center under 8 U.S.C. §
2 1225(b)(2)(A). *See* Ex. 1 at 1 (stating Petitioner is “an arriving alien” and has “not been
3 admitted or paroled after inspection by an Immigration Officer”); ECF No 1 at 7 ¶ 18
4 (stating Petitioner applied for asylum at a port of entry and was detained).

5 III. STATUTORY BACKGROUND

6 Section 235 of the Immigration and Nationality Act (INA), codified at 8 U.S.C.
7 § 1225, applies to an “applicant for admission,” defined as an “alien present in the
8 United States who has not been admitted” or “who arrives in the United States.” 8
9 U.S.C. § 1225(a)(1). “[A]pplicants for admission fall into one of two categories, those
10 covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*,
11 583 U.S. 281, 287 (2018).

12 Section 1225(b)(1) applies to arriving aliens and “certain other” aliens “initially
13 determined to be inadmissible due to fraud, misrepresentation, or lack of valid
14 document.” *Id.* (citing 8 U.S.C. § 1225(b)(1)(A)(i)). These aliens are generally subject
15 to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if “the alien
16 indicates an intention to apply for asylum . . . or a fear of persecution,” immigration
17 officers will refer the alien for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii).
18 “If the officer determines at the time of the interview that [the] alien has a credible fear
19 of persecution . . . , the alien *shall be detained* for further consideration of the
20 application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added). If the alien
21 does not indicate an intent to apply for asylum, does not express a fear of persecution,
22 or is “found not to have such a fear,” they “shall be detained . . . until removed” from
23 the United States. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

24 Section 1225(b)(2) is “broader” and “serves as a catchall provision.” *Jennings*,
25 583 U.S. at 287. It “applies to all applicants for admission not covered by §
26 1225(b)(1).” *Id.* Under § 1225(b)(2), an alien “who is an applicant for admission” shall
27 be detained for a removal proceeding “if the examining immigration officer determines
28 that [the] alien seeking admission is not clearly and beyond a doubt entitled to be

1 admitted.” 8 U.S.C. § 1225(b)(2)(A); *Matter of Q. Li*, 29 I&N Dec. 66, 68 (BIA 2025)
2 (“for aliens arriving in and seeking admission into the United States who are placed
3 directly in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. §
4 1225(b)(2)(A), mandates detention ‘until removal proceedings have concluded.’”) (citing
5 *Jennings*, 583 U.S. at 299). However, DHS has the sole discretionary authority
6 to temporarily release on parole “any alien applying for admission to the United States”
7 on a “case-by-case basis for urgent humanitarian reasons or significant public benefit.”
8 *Id.* § 1182(d)(5)(A); see *Biden v. Texas*, 597 U.S. 785, 806 (2022).

9 IV. ARGUMENT

10 Petitioner’s habeas petition should be denied because 28 U.S.C. § 1252(g) bars
11 judicial review over her claim, and because she is lawfully detained under the INA and
12 the Constitution.

13 A. Petitioner’s Claim is Barred Under 8 U.S.C. § 1252(g).

14 Respondents contend that judicial review over Petitioner’s claim is barred by 28
15 U.S.C. § 1252(g), which states that “[n]o court shall have jurisdiction to hear any cause
16 or claim by or on behalf of any alien arising from the decision or action by the Attorney
17 General to commence proceedings, adjudicate cases, or execute removal orders.”

18 Here, Petitioner’s claims of unlawful detention necessarily arise from the
19 Department of Homeland Security’s¹ decision to commence removal proceedings
20 against him because that decision unavoidably triggers mandatory detention under 8
21 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. See, e.g.,
22 *Wang v. United States*, No. CV 10-0389 SVW (RCx), 2010 WL 11463156, at *6 (C.D.
23 Cal. Aug. 18, 2010) (finding section 1252(g) bars judicial review of false imprisonment
24 claim because the plaintiff’s detention arose from the decision to commence removal
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27 ¹ “In 2002, Congress transferred the Attorney General’s immigration enforcement
28 responsibilities to the Secretary of Homeland Security.” *Ibarra-Perez v. United States*,
154 F.4th 989, 995 n.2 (9th Cir. 2025).

1 proceedings, and in turn, the “statute mandating detention during removal proceedings
2 of a person charged as an ‘arriving alien.’”).

3 As explained by another district court, removal proceedings are commenced
4 when, as occurred here, “the alien is issued a Notice to Appear before an immigration
5 court.” *Herrera-Correra v. United States*, No. CV 08–2941 DSF (JCx), 2008 WL
6 11336833, at *3 (C.D. Cal. Sept. 11, 2008); *see also* Exhibit 1 (Notice to Appear). The
7 government “may arrest the alien against whom proceedings are commenced and detain
8 that individual until the conclusion of those proceedings.” *Herrera-Correra*, 2008 WL
9 11336833, at *3. “Thus, an alien’s detention throughout this process arises from the
10 [government’s] decision to commence proceedings” and review of claims arising from
11 such detention is barred under section 1252(g). *Id.* (citing *Sissoko v. Rocha*, 509 F.3d
12 947, 949 (9th Cir. 2007)); *see also* *Wang*, 2010 WL 11463156, at *6.

13 Because this habeas petition brings a claim “arising from the decision or action
14 by the [government] to commence proceedings,” review of Petitioner’s claim is barred
15 under 8 U.S.C § 1252(g). Thus, the Court must dismiss the petition.

16 **B. Petitioner is Lawfully Detained Under the INA and the Constitution.**

17 Even if the Court assumed jurisdiction to review Petitioner’s claim, the Court
18 must deny his habeas petition because Petitioner’s detention is statutorily mandated
19 under 8 U.S.C. § 1225(b)(2)(A).

20 **1. Petitioner is mandatorily detained under 8 U.S.C. § 1225(b)(2).**

21 Petitioner’s claim fails because she is subject to mandatory detention under 8
22 U.S.C. § 1225(b)(2). Under 8 U.S.C. § 1225(a)(1), an “applicant for admission” is
23 defined as an “alien present in the United States who has not been admitted or who
24 arrives in the United States.” As explained above, applicants for admission “fall into
25 one of two categories, those covered by § 1225(b)(1) and those covered by §
26 1225(b)(2).” *Jennings*, 583 U.S. at 287.

27 Section 1225(b)(2)(A) requires mandatory detention of “an alien who is *an*
28 *applicant for admission*, if the examining immigration officer determines that an alien

1 seeking admission is not clearly and beyond a doubt entitled to be admitted[.]” *Chavez*
2 *v. Noem*, No. 3:25-cv-02325, 2025 WL 2730228, at *4 (S.D. Cal. Sept. 24, 2025)
3 (quoting 8 U.S.C. § 1225(b)(2)(A)) (emphasis in original). Petitioner contends that she
4 is entitled to a bond hearing. But the Supreme Court has rejected such contention,
5 explaining: “Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of
6 applicants for admission until certain proceedings have concluded. . . . Nothing in the
7 statutory text imposes any limit on the length of detention. And neither § 1225(b)(1)
8 nor § 1225(b)(2) says anything whatsoever about bond hearings.” *Jennings*, 583 U.S. at
9 297. Except for temporary parole granted at the discretion of the Attorney General “for
10 urgent humanitarian reasons or significant public benefit” under 8 U.S.C. § 1182(d)(5),
11 “there are no *other* circumstances under which aliens detained under § 1225(b) may be
12 released.” *Id.* at 300 (emphasis in original).

13 As Petitioner’s removal proceedings are pending, and she has not been granted
14 temporary parole, section 1225(b)(2) mandates her detention until the proceedings have
15 concluded. *Jennings*, 583 U.S. at 297 (“Once those proceedings end, detention under
16 § 1225(b) must end as well.”). Because Petitioner is lawfully detained under
17 section 1225(b) and the statute does not entitle her to a bond hearing at this time, her
18 petition must be denied. *See, e.g., Zelaya-Gonzalez v. Matuszewski*, No. 23-CV-151
19 JLS-KSC, 2023 WL 3103811, at *3 (S.D. Cal. April 25, 2023) (applying *Jennings* to
20 find that the petitioner had no right to release or a bond hearing under 1225(b)(1)
21 because “[b]inding Ninth Circuit and Supreme Court precedents are clear that Petitioner
22 lacks any rights beyond those conferred by statute, and no statute entitles Petitioner to
23 a bond hearing”).

24 **2. Petitioner’s detention does not violate due process.**

25 Petitioner also argues that her mandatory detention under the INA violates the
26 due process clause of the Fifth Amendment to the U.S. Constitution. The Court should
27 reject this argument.

28 In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C.

1 § 1225(b). The Supreme Court stated that, “[r]ead most naturally, [8 U.S.C.]
2 §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission until certain
3 proceedings have concluded.” *Id.* at 297. In other words, neither 8 U.S.C. § 1225(b)(1)
4 nor § 1225(b)(2) “impose[] any limit on the length of detention” and “neither
5 § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings.” *Id.* The
6 Supreme Court added that the sole means of release for noncitizens detained pursuant
7 to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary
8 parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300
9 (“That express exception to detention implies that there are no *other* circumstances
10 under which aliens detained under [8 U.S.C.] § 1225(b) may be released.”) (emphasis
11 in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens
12 throughout the completion of applicable proceedings[.]” *Id.* at 302.

13 In *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207–09 (1953), a
14 noncitizen in exclusion proceedings filed a habeas petition claiming that his prolonged
15 detention without a hearing violated his constitutional rights. The Supreme Court
16 rejected the petition, concluding that the noncitizen’s continued detention did not
17 deprive him of any due process rights, stating: “[A]n alien on the threshold of initial
18 entry stands on a different footing: ‘Whatever the procedure authorized by Congress
19 is, it is due process as far as an alien denied entry is concerned.’” *Id.* at 212 (citation
20 omitted).

21 In *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–40
22 (2020), the Supreme Court once again addressed the due process rights of individuals
23 like Petitioner—inadmissible arriving noncitizens seeking initial entry into the United
24 States. The Supreme Court stated that such individuals have no due process rights
25 “other than those afforded by statute.” *Id.* at 107; *see also id.* at 140 (“[A]n alien in
26 respondent’s position has only those rights regarding admission that Congress has
27 provided by statute.”). The Supreme Court noted that its determination was supported
28 by “more than a century of precedent.” *Id.* at 138 (citing *Nishimura Ekiu v. United*

1 *States*, 142 U.S. 651, 660 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537,
2 544 (1950); *Mezei*, 345 U.S. at 212; *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)).
3 Because the only process due Petitioner is that afforded under section 1225(b), the
4 Court must reject her claim that her detention violates the Fifth Amendment’s Due
5 Process Clause and deny her requested relief. *See Thuraissigiam*, 591 U.S. at 138–40;
6 *Mendoza-Linares*, 51 F.4th at 1167; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206
7 (9th Cir. 2022) (“The recognized liberty interests of U.S. citizens and aliens are not
8 coextensive: the Supreme Court has ‘firmly and repeatedly endorsed the proposition
9 that Congress may make rules as to aliens that would be unacceptable if applied to
10 citizens.’”) (quoting *Demore v. Kim*, 538 U.S. 510, 522 (2003)); *Zelaya-Gonzalez*,
11 2023 WL 3103811, at *4 (“Binding Ninth Circuit and Supreme Court precedents are
12 clear that Petitioner lacks any rights beyond those conferred by statute, and no statute
13 entitles Petitioner to a bond hearing.”).

14 Even if the Court were to infer a constitutional right against prolonged
15 mandatory detention, Petitioner’s claim still fails. “In general, as detention continues
16 past a year, courts become extremely wary of permitting continued custody absent a
17 bond hearing.” *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at
18 *4 (S.D. Cal. April 20, 2023) (citation omitted); *see also Durand v. Allen*, No. 3:23-
19 cv-00279-RBM-BGS, 2024 WL 711607, at *5 (S.D. Cal. Feb. 21, 2024) (detained over
20 two-and-a-half years); *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB),
21 2023 WL 139801, at *6 (S.D. Cal. Jan. 9, 2023) (three years); *Yagao v. Figueroa*,
22 No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at *2 (S.D. Cal. March 29, 2019) (two
23 years). Petitioner’s detention falls significantly short of the length courts have found to
24 raise due process concerns.

25 In similar cases, courts in this district have applied the test in *Lopez v. Garland*,
26 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). *See, e.g., Sanchez-Rivera*, 2023 WL 139801,
27 at *5 (“[W]hile the *Mathews* [*v. Eldridge*, 424 U.S. 319 (1976)] factors may be well-
28 suited to determining whether due process requires a second bond hearing, they are not

1 particularly dispositive of whether prolonged mandatory detention has become
2 unreasonable in a particular case.”); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-
3 JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and finding
4 “the three-factor balancing test from *Lopez* . . . provides an appropriate assessment of
5 the possible constitutional implications of Petitioner’s ongoing detention without
6 process.”). Under *Lopez*, to determine whether continued mandatory detention has
7 become unreasonable, “the Court will look to the total length of detention to date, the
8 likely duration of future detention, and the delays in the removal proceedings caused by
9 the petitioner and the government.” 631 F. Supp. 3d at 879.

10 Petitioner has been detained for less than nine months. Courts in this district
11 have found detention for much longer periods to be unreasonably prolonged. *See, e.g.*,
12 *Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at *5 (S.D. Cal.
13 Feb. 21, 2024) (32 months); *Sibomana*, 2023 WL 3028093, at *4 (19 months);
14 *Sanchez-Rivera*, 2023 WL 139801 at *6 (three years); *Kydyrali v. Wolf*, 499 F. Supp.
15 3d 768, 773 (S.D. Cal. 2020) (20 months); *Yagao*, 2019 WL 1429582, at *1 (two years
16 since last bond hearing). The length of detention “is the most important factor.”
17 *Sanchez-Rivera*, 2023 WL 139801, at *6 (citation omitted). And Petitioner’s current
18 detention does not fall within the range these courts have found to be unreasonable.
19 Moreover, the length of Petitioner’s detention, by itself, does not favor granting habeas
20 relief. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, --- F. Supp. ----, 2025 WL
21 3154520, at *3 (S.D. Cal. Nov. 12, 2025) (“The Court agrees with Respondents that
22 the length of Petitioner’s detention to date—almost 12 months—does not by itself,
23 without more, establish prolonged detention in violation of due process.”). Not only
24 does the length of Petitioner’s detention fall comparatively short of the length some
25 courts in this district have found to warrant habeas relief, but the other *Lopez* factors
26 do not favor habeas relief either.

27 Petitioner was detained when she applied for admission to the United States.
28 Thus, Petitioner is rightly considered an applicant for admission, and her mandatory

1 detention does not violate due process. *See Shahin v. Noem*, No. 25-cv-2496-AGS-
2 KSC, ECF No. 12 (S.D. Cal. Dec. 23, 2025).

3
4 **V. CONCLUSION**

5 For the reasons stated herein, Respondents respectfully request that the Court
6 dismiss this petition for lack of jurisdiction or deny it on the merits.

7 Dated: January 5, 2026

Respectfully submitted,

8 ADAM GORDON
9 United States Attorney

10 *s/ Robbin Lee*
11 ROBBIN O. LEE
12 Assistant United States Attorney
13 Attorneys for Respondents
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EXHIBIT 1

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: 03/07/1992

Event No: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: TATIANA MIAGKIKH currently residing at:

7488 CALZADA DE LA FUENTE SAN DIEGO, CALIFORNIA 92154
(Number, street, city, state and ZIP code)

(619) [REDACTED]
(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of RUSSIA and a citizen of RUSSIA;
3. You arrived in the United States at or near SAN YSIDRO, CA , on or about April 21, 2025
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

7488 CALZADA DE LA FUENTE SAN DIEGO, CALIFORNIA 92154

(Complete Address of Immigration Court, including Room Number, if any)

on July 28, 2025 at 8:00 am to show why you should not be removed from the United States based on the

(Date) (Time)

charge(s) set forth above.

Date: July 15, 2025

(City and State)

EOIR - 1 of 6

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/oro>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is RUSSIAN

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on July 15, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the RUSSIAN language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Person Personally Served)

EOIR - 2 of 6

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Continuation Page for Form I-862

Alien's Name MIAGKIKH, TATIANA	File Number [REDACTED] Event No: [REDACTED]	Date 07/15/2025
<p>CURRENTLY RESIDING AT:</p> <p>-----</p> <p>DHS CUSTODY 7488 CALZADA DE LA FUENTE SAN DIEGO, CALIFORNIA 92154</p> <p>ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:</p> <p>-----</p> <p>212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.</p>		
Signature MARIELLE CE [REDACTED]	Title SDDO	

EOIR - 4 of 6

EXHIBIT 2



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT**

Respondent Name:

MLAGKIKH, TATIANA

To:

Petrosyan, Ani A
PO BOX 590
GLENDALE, CA 91209

A-Number:

[REDACTED]

Riders:

In Custody Redetermination Proceedings

Date:

09/12/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
The court lacks authority to redetermine the bond pursuant to Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025).
- Granted. It is ordered that Respondent be:
- released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:



Immigration Judge: SAMEIT, MARK 09/12/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 10/14/2025

Certificate of Service

This document was served:

Via: Mail | Personal Service | Electronic Service | Address Unavailable

To: Alien | Alien c/o custodial officer | Alien atty/rep. | DHS

Respondent Name : MLAGKIKH, TATIANA | A-Number :



Riders:

Date: 09/12/2025 By: Rosa Rodriguez, Court Staff