

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MAMUR NASIMOV,

Petitioner,

v.

DAVID O'NEILL, *et al.*,

Respondents.

No. 25-cv-7420

The Government's Response to Petitioner's Motion for Reconsideration

Petitioner Mamur Nasimov asks this Court to reconsider its January 23, 2026 order (ECF No. 14) denying his request that he be released from detention because the government completed his bond hearing one day after a deadline set by this Court *See* Jan. 28, 2026 Mot. for Reconsideration, ECF No. 16.

Mr. Nasimov contends that his attorney reasonably relied upon the Court's prior order directing his release if his bond hearing was not held by the previously set deadline. *See id.* at 7-8. In addition, he avers that he received notice of the bond hearing only fifteen minutes before it occurred and was represented at the hearing by a different attorney from his counsel's office than the one who had handled matters to this point. *See id.* at 4-5.

Mr. Nasimov is correct that the bond hearing was completed one day late and on unusually short notice of the approximate length he describes. The government has no independent knowledge regarding Mr. Nasimov's additional averments regarding the division of labor and subjective expectations of the attorneys within his counsel's office, but acknowledges that they are made by a respected attorney and officer of the court.

As the Court is aware, on a motion for reconsideration, Mr. Nasimov bears the

burden to establish “(1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error of law or prevent manifest injustice.” *Lazaridis v. Wehmer*, 591 F.3d 666, 669 (3d Cir. 2010).

Here, Mr. Nasimov does not expressly identify which of these factors he believes is present, but presumably he relies on the “manifest injustice” standard since there has been no intervening development in the law or the facts. That is a challenging standard for a movant to satisfy, as it requires evidence of an “error [that] is apparent to the point of being indisputable.” *Teri Woods Pub., L.L.C. v. Williams*, No. 12-cv-04854, 2013 WL 6388560, at *2 (E.D. Pa. Dec. 6, 2013) (citation omitted).

Respectfully submitted,

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Dated: January 29, 2026

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I caused a true and correct copy of the foregoing document to be electronically filed and thereby made available for viewing and downloading by all counsel of record from the Court's ECF system.

/s/ Peter Carr
PETER CARR
Assistant United States Attorney

Dated: January 29, 2026