

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

RUSLAN IVANOV,

Petitioner,

v.

KRISTI NOEM, Secretary,
U.S. Department of Homeland, *et al.*,

Respondents.

Case No. 1:26-cv-00011

District Judge Susan J. Dlott

Magistrate Judge Chelsey M. Vascura

**EMERGENCY MOTION FOR RELIEF FROM THIS COURT'S
ORDER (ECF NO. 6) TO PERMIT EXECUTION OF
PETITIONER'S REMOVAL ORDER**

Respondents respectfully move this Court for Emergency Relief from its January 7, 2026 Order (Order, ECF No. 6) to permit the scheduled execution of Petitioner's Removal Order. Attached to this emergency motion is the Declaration of Yolanda Harrison, Detention and Deportation Officer for the Removal Management Division (RMD) – RIO Middle East/Europe, Enforcement and Removal Operations (ERO), U.S. Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS), Exh. 1.

Respondents note that this Court granted emergency motions in two other habeas cases, *Mbah v. Immigration and Customs Enforcement*, Case No. 1:25-cv-00816, ECF 12, 15, 16 (Dlott, J.) and *Karaga v. Robert K. Lynch*, Case No. 1:25-cv-00735, ECF 11, 15 (Dlott, J.). In both cases, the petitioner was removed, and the Court

thereafter denied the habeas petitions as moot. *Mbah*, ECF 19 (Mar. 3, 2026); *Karaga*, ECF 17 (Feb. 3, 2026).

Petitioner Ruslan Ivanov (“Petitioner” or “Ivanov”) is currently detained at the Butler County Jail in Hamilton, Ohio. On March 30, 2026, Ms. Harrison, was alerted that the government of the Russian Federation has completed the citizenship verification for the Petitioner. (Yolanda Harrison Declaration, Exh. 1, ¶4). In order to receive his travel document, the Petitioner must now be transferred to Newark, NJ for an in-person interview with Russian consulate officials. The interview will be scheduled as soon as the District Court lifts the temporary restraining order in this case, allowing the alien to travel to the interview. Following the interview, the Petitioner will be required to sign for the release of the travel document. (*Id.*, ¶5). Because his citizenship has been verified, RMD has no reason to believe that the Petitioner will not be receiving a valid travel document upon completion of his interview. This is the standard process that DHS uses in order to receive travel documents for Russian nationals. (*Id.*, ¶6). Should the Petitioner not comply with the interview, he will be considered a failure to comply. (*Id.*, ¶7). Upon receipt of the travel document, the Petitioner will be scheduled for removal to Russia absent any stays or temporary restraining order on the next available charter. At present, the next charter is scheduled for April 25, 2026. (*Id.*, ¶8).

On January 7, 2026, for purposes of “preserv[ing] its jurisdiction, and pursuant to its authority under the All Writs Act,” this Court ordered that “Respondents shall neither remove Ivanov from this District nor allow him to be removed from this

District unless or until the Court orders otherwise.” (Order, ECF No. 6). Unless this Court lifts its January 7, 2026 Order, it will be necessary for ICE to reschedule Petitioner’s transfer and removal, further delaying Petitioner’s detention.

Moreover, this Court is without jurisdiction to prevent the execution of Petitioner’s removal order. Section 1252(g) categorically bars jurisdiction over “*any* cause or claim by or on behalf of any alien *arising from* the decision or action by the [Secretary of Homeland Security] to *commence proceedings*, adjudicate cases, or execute removal orders against any alien.” 8 U.S.C. § 1252(g) (emphasis added). The Secretary of Homeland Security’s decision to *execute removal orders*, including the decision to detain an alien pending such removal, squarely falls within this jurisdictional bar. *See Hamama v. Adducci*, 912 F.3d 869, 876 (6th Cir. 2018).

In other words, Petitioner’s detention clearly “aris[es] from” the decision to execute his removal order. *See Tazu v. Att’y Gen. U.S.*, 975 F.3d 292, 298 (3d Cir. 2020) (“The text of § 1252(g)... strips us of jurisdiction to review... [T]o perform or complete a removal, the [Secretary of Homeland Security] must exercise [her] discretionary power to detain an alien for a few days. That detention does not fall within some other part of the deportation process.”) (cleaned up). Put in the Supreme Court’s words, detention pending removal is a “specification” of the decision to commence proceedings. *See Reno v. Am.-Arab Anti-Discrimination Comm. (“AADC”)*, 525 U.S. 471, 485 n.9 (1999) (“§ 1252(g) covers” a “specification of the decision to ‘commence proceedings’”). Significantly, Petitioner is not without a remedy. As the Sixth Circuit explained in *Hamama v. Adducci*, “[w]hen Congress stripped the courts

of jurisdiction to grant habeas relief in § 1252(g), it provided an aliens with an alternative method to challenge the legality an alien’s detention” 912 F.3d at 876. Moreover, the Suspension Clause is not violated when courts are stripped of “habeas jurisdiction so long as it provides a substitute that is adequate and effective to test the legality of a person’s detention. *Id.*; see also *Karki v. Jones*, No. 1:25-cv-281, 2025 WL 1638070 (S.D. Ohio June 9, 2025); *Bartolon v. Bondi*, No. 1:25-cv-747, 2025 WL 3674604, at *4-5 (S.D. Ohio Dec. 18, 2025) (same). For these reasons, this Court is without jurisdiction to prevent the execution of Petitioner’s removal order.

Moreover, this Court issued its Order not to remove Petitioner from the district in order to “preserve[] its jurisdiction,” (Order, ECF No. 6). Yet, this Order to preserve jurisdiction is unnecessary.

In *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 445 (3d Cir. 2021), the following question was considered: “what happens to a district court’s jurisdiction when the § 2241 petitioner, . . . is transferred out of the court’s territorial jurisdiction after the proper filing of the petition?” The Third Circuit Court of Appeals explained that,

The Supreme Court addressed this question in *Padilla*: “[w]hen the Government moves a habeas petitioner after she properly files a petition naming her immediate custodian, the District Court retains jurisdiction and may direct the writ to any respondent within its jurisdiction who has legal authority to effectuate the prisoner’s release.

Anariba v. Dir. Hudson Cnty. Corr. Ctr., 17 F.4th 434, 445 (3d Cir. 2021) (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004)) (reaffirming its “important but limited” holding in *Ex parte Endo*, 323 U.S. 283, 306-07 (1944), “concerning post-filing transfer

of a § 2241 petitioner”); *see also White v. Lamanna*, 42 F. App’x 670, 671 (6th Cir. 2002).

In *White v. Lamanna*, the Sixth Circuit recognized that, “A district court’s jurisdiction generally is not defeated when a prisoner who has filed a § 2241 petition while present in the district is involuntarily removed from the district while the case is pending. 42 F. App’x at 671 (citing *United States ex rel. Snyder v. State of Illinois*, 442 F. Supp. 75, 76 n.2 (N.D. Ill. 1977); *see, e.g., Gonzalez v. Noem*, 1:25-cv-150, 2025 WL 3140802 (N.D. Ohio Nov. 10, 2025); *Martinez v. Healy*, No. 4:24-cv-00833, 2025 WL 2021533, at *1 n.2 (N.D. Ohio July 18, 2025); *Wright v. Hemingway*, No. 1:21-cv11043, 2025 WL 4311642, at *1 n.1 (E.D. Mich. Sept. 26, 2024). As a result, this Court’s Order not to remove Petitioner from the district is not necessary to aid its jurisdiction.

Respondents respectfully move this Court for Emergency Relief to lift its January 7, 2026 Order permitting the execution of Petitioner’s Removal Order.

Respectfully submitted,

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