

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

Kirill Savinov

Petitioner,

v.

Brian ACUNA, *in his official capacity as Field Office Director, New Orleans ICE Field Office*; Todd LYONS, *in his official capacity as Acting Director, ICE*; Kristi NOEM, *in her official capacity as Secretary, U.S. Department of Homeland Security*; Pamela BONDI, *in her official capacity as U.S. Attorney General; Executive Office For Immigration Review*; WARDEN, *in his official capacity as Warden of Louisiana State Penitentiary*,

Respondents.

Case No.

**APPLICATION FOR ISSUANCE OF AN ORDER TO SHOW
CAUSE**

1. Pursuant to 28 U.S.C. § 2243 ("Section 2243"), Petitioner Kiril Savinov ("Petitioner" or "Mr. Savinov") respectfully requests that this Court "forthwith" issue an order directing Respondents to show cause, within three days or, alternatively, no more than twenty-one days, why his Petition for Writ of Habeas Corpus (the "Petition") should not be granted. As detailed below, Respondents cannot establish that the Petition should not be granted, and cannot show good cause for any extended time for the writ to return and for Respondents to respond.

Background

2. As detailed in the attached habeas petition, Mr. Savinov is a native and citizen of Russia who fled for fear that he would face repercussions from the Russian government over his protest of Russian military actions in Ukraine. He entered the United States on or about March 11,

2023, and immediately sought asylum, withholding of removal, and relief under the Convention Against Torture. He was granted deferral of removal pursuant to the Conventions Against Torture on December 31, 2024, did not appeal, and his order of removal to Russia became administratively final on or about January 30, 2025.

3. Petitioner has been in ICE custody since August of 2024 when he was transferred to their custody after pleading guilty to charges arising out of the transportation and sale of drugs in Tennessee. Respondent was initially at the Central ICE Processing Center in Jena, Louisiana but has since been transferred to the Louisiana ICE Processing Center at Louisiana State Penitentiary in Angola, Louisiana.

4. Mr. Savinov is not a flight risk. While Mr. Savinov has pleaded guilty to the aforementioned charges his sentence was a fine of \$2000 and two years' probation. This sentence, which does notably does not require any form of incarceration, indicates that Mr. Savinov is in no way a danger to national security or the community more generally.

5. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). He therefore seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release him forthwith from their custody.

6. Petitioner has filed a Petition for Writ of Habeas Corpus on the grounds that his detention violates the Immigration and Nationality Act as well as his substantive and procedural due process rights under the Fifth Amendment on several grounds. *See* ECF No. 1.

7. As detailed herein and in the Petition, Petitioner will be successful in obtaining the relief sought in the Petition. The Court should set a limited briefing schedule because each day Petitioner remains unlawfully detained is a further violation of his Due Process Rights.

Respondent's Continued Detention is a Violation of Petitioner's Constitutional Rights

8. Petitioner's ongoing detention constitutes a manifest violation of his procedural due process rights under the Fifth Amendment. The Due Process Clause affords noncitizens due process of the law, preventing the government from depriving any person, including a noncitizen, of "life, liberty, or property, without due process of law[.]" U.S. Const. amend. V. The government cannot abridge a person's liberty without providing "adequate procedural protections." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Arresting and imprisoning a noncitizen with no individualized determination of their flight risk or danger to the community establishes a cognizable liberty interest. *See, e.g., Lopez-Arevelo v. Ripa*, No. EP-25-CV-337, 2025 WL 2691828, at *11-12 (W.D. Tex. Sept. 22, 2025). Here, there is no basis to conclude that the Petitioner either poses a danger to the community or is a flight risk.

9. What is more, as the U.S. Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), 8 U.S.C. §1231(a)(6), when "read in light of the Constitution's demands, limits an alien's post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States." 533 U.S. at 689. A "habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal." *Id.* at 699. If the individual's removal "is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by the statute." *Id.* at 699-700. In determining the length of a reasonable removal period, the Court adopted a "presumptively reasonable period of detention" of six months. *Id.* at 701. After six months, the government bears the burden of disproving an alien's "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *See Zhou v. Farquharson*, 2001 U.S. Dist. LEXIS 18239, *2-*3 (D. Mass. Oct. 19, 2001) (quoting and summarizing *Zadvydas*). ICE's administrative regulations also recognize that the HQPDU has a six-month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. *See* 8 C.F.R. §241.4 (k)(2)(ii).

10. Petitioner was taken into custody by ICE on or about August 2024, more than one year ago. He was granted deferral of removal but order removed to Russia on December 31, 2023, and his removal order became administratively final on January 30, 2025. At no time either before or after his order of removal became administratively final has ICE identified a third country of removal, or taken any steps to remove him to such a country.

11. Six months having passed since Petitioner's order of removal became administratively final, and in the absence of any showing by Respondents that he will be removed in the reasonable foreseeable future, his procedural and substantive due process rights are violated with each additional day that he is unlawfully detained. Because it is clear that Respondents have no basis to continue detaining Petitioner and that he will ultimately be successful in the relief sought in the Petition, the Court should order an expedited schedule to bring about Petitioner's required release as soon as possible.

The Court Should Order Expedited Briefing and Hearing on this Petition

12. Section 2243 governs the response time required for writ of habeas corpus petitions. Under Section 2243, "[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." Section 2243 further provides that the writ or order to show cause "shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed." Finally, Section 2243 mandates that a court must hold a hearing on the writ or order to show cause "not more than five days after the return" unless for good cause additional time is allowed. Here, as explained in detail above, Respondents cannot show good cause for (a) why the writ should not be granted, (b) why it shall not be returned within three days (or on another very limited schedule), or (c) why the Court should not hold a hearing within five days after the return.

13. In the event the Court does not set a three-day return period, the Court should use its discretion pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts (“Rule 4”) to set a limited extended briefing schedule. See Rule 4, Rules Governing Section 2254 Cases (requiring a judge to order Respondent “to file an answer, motion, or other response within a fixed time”). While Rule 4 does not define the fixed response period, Petitioner respectfully requests that this Court exercise its discretion under those rules to require a response within, at most, twenty-one (21) days. See *Hernandez v. White*, No. 20-CV-1680, 2020 WL 7647548, at *2 (W.D. La. Dec. 23, 2020) (considering petitioners’ “strong claims on the merits” in finding that “[p]etitioners’ request for expedited consideration can and should be a counterbalance”).

14. Judges in this district have previously ordered a response to Section 2241 immigrant habeas petitions within 21-30 days. See, e.g., Ex. 1-4 (*Avendano Lopez v. Garcia*, 25-CV-01776, at *3 (W.D. La. Nov. 20, 2025) (ordering Respondents to respond to habeas petition within 21 days); *Robles Rodriguez v. Lyons*, No. 25-CV-1926, 2025 WL 3553742, at *1 (W.D. La. Dec. 8, 2025) (noting prior order setting 21-day return date); *Pineda Parada v. Rice*, 25-cv-1660 2025 WL 3146250, at *1 (W.D. La. Nov. 4, 2025) (ordering response within 30 days). Respondents cannot show good cause for any extension of time beyond the twenty-one days allowed by Courts in this district.

15. A response within 21 days is sufficient here because the Petition presents straightforward legal questions concerning statutory interpretation and constitutional analysis. Indeed, the record is unambiguous: the constitutionally permissible time period for effectuating Petitioner’s removal has come and gone, and Respondents have taken no apparent steps toward doing so. If Respondents *had* taken such steps and Petitioner’s removal was reasonably foreseeable, evidence of such action would be readily available now.

16. Further, allowing Respondents extended time to respond is inappropriate because Petitioner faces continuing irreparable harm due to the unconstitutional deprivation of his liberty. *Pineda Parada*, 2025 WL 3146250, at *3 (“[U]nconstitutional deprivation of liberty, even on a temporary basis constitutes irreparable harm.”); *Kostak v. Trump*, No. 25-1093, 2025 WL 2472136, at *3 (W.D. La. Aug. 27, 2025)(same).

17. Thus in the event this Court denies a three-day return of the Petition under Section 2243, Petitioner requests that the Court order Respondents to respond to the Petition no more than 21 days under Section 2241; provide Respondent an opportunity to file a reply within seven (7) days after Respondents file the response; and, if necessary, set any hearing to occur within five (5) days after briefing concludes.

Dated: January 13, 2026

By: /s/David Rozas
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CERTIFICATE OF SERVICE

I, David J. Rozas, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent by mail to those indicated as non-registered participants on January 13, 2026

/s/ David J. Rozas

David J. Rozas