

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROSTISLAV MALIKOV,

Petitioner,

v.

WARDEN, GLADES COUNTY
DETENTION CENTER, et al. (all
official capacity),

Respondents.

Case No. 2:26-cv-172-SPC-NPM

A No. 

Russia

Response to Emergency Motion to Enforce Judgment and for Immediate Release

The Federal Respondents oppose Petitioner's Motion seeking enforcement and immediate release. (Doc. 11). This Motion merely disagrees with the immigration judge ("IJ") merits decision of whether bond is appropriate. As the Court noted recently, such disputes are matters for appeal—not emergency motions in the underlying habeas case. *Lopez Galicia v. ICE*, No. 2:26-cv-255-SPC-DNF (M.D. Fla. Mar. 5, 2026); *see also Escalante Salazar v. Noem*, No. 2:26-cv-433-SPC-NPM (M.D. Fla. Mar. 5, 2026).

The Court issued an Order—granting habeas and requiring a prompt bond hearing or release. (Doc. 9). Respondents complied with that Order and ensured that Petitioner received a timely bond hearing with the IJ. Petitioner concedes as much. (Docs. 11 at 1; 11-1 at 3-4). It appears Petitioner was even represented by counsel at

that bond hearing. (Doc. 11-1 at 3). The IJ found that Petitioner failed to establish he was suitable for bail and denied bond. (Doc. 11-1 at 3-4). Petitioner reserved his right to appeal that decision to the Board of Immigration Appeals (“BIA”). (Doc. 11-1 at 4).

When an IJ makes an unfavorable bond determination, federal courts have no jurisdiction to review those discretionary decisions:

The Attorney General’s discretionary judgment regarding the application of this section shall not be subject to review. No court may set aside any action or decision by the Attorney General under this section regarding the detention of any alien or the revocation or denial of bond or parole.

8 U.S.C. § 1226(e). If an alien disagrees with a bond decision, they have the right to appeal it to the BIA. 8 C.F.R. § 1003.19(f). As the Court just recognized, “the proper way to challenge the [bond] result is appeal to the Board of Immigration Appeals.” *Lopez Galicia*, No. 2:26-cv-255, Doc. 12 at 2.

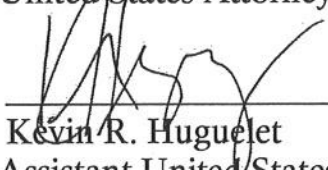
The answer here is no different. Petitioner challenges the merits of an IJ bond denial as incorrect both legally and factually. The avenue for any disagreement is appeal—not misplaced habeas relief with which Respondents already complied. There is simply no jurisdiction for the Court to review the IJ decision. Nor is there anything to enforce since Respondents provided what the Order required.

For those reasons, the Court must deny the Motion.

Date: March 10, 2026

Respectfully submitted,

GREGORY W. KEHOE
United States Attorney



Kevin R. Huguelet
Assistant United States Attorney
Florida Bar Number 125690
Kevin.Huguelet@usdoj.gov
2110 First Street, Suite 3-137
Fort Myers, Florida 33901
239-461-2237

(Lead counsel for Federal Respondents)