

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

ASLANBEK BASKAEV,
Petitioner,

CIVIL ACTION

v.

No. 2:26-cv-01053-KBH

J.L. JAMISON, in his official capacity as
*Warden, Federal Detention Center,
Philadelphia;*

DAVID O'NEILL, in his official capacity as
*Acting Field Office Director, ICE ERO
Philadelphia Field Office;*

TODD LYONS, in his official capacity as
*Acting Director, U.S. Immigration and
Customs Enforcement;*

KRISTI NOEM, in her official capacity as
*Secretary, U.S. Department of Homeland
Security;*

U.S. DEPARTMENT OF HOMELAND SECURITY;

PAMELA BONDI, in her official capacity as
Attorney General of the United States,

Respondents.

**EMERGENCY MOTION TO REOPEN CASE,
FOR ORDER TO SHOW CAUSE WHY RESPONDENTS
SHOULD NOT BE HELD IN CONTEMPT, AND
NOTICE OF NON-COMPLIANCE WITH COURT ORDER**

INTRODUCTION

Petitioner Aslanbek Baskaev (“Petitioner”), by and through undersigned counsel, respectfully files this Emergency Motion to Reopen, for an Order to Show Cause, and Notice of Non-Compliance to inform this Honorable Court that Respondents have *already violated* this Court’s Order (ECF No. 9), entered just hours ago on February 23, 2026. The Order explicitly commands: “The Government shall **RELEASE** Petitioner from custody immediately.” Order ¶ 1. The Order further provides: “The Government may not remove, transfer, or otherwise facilitate the removal of Petitioner from the Commonwealth of Pennsylvania before the ordered bond hearing.” Order ¶ 5.

Rather than comply, Respondents have done the precise opposite. When undersigned counsel arrived at FDC Philadelphia to effectuate Petitioner’s release pursuant to this Court’s Order, a senior officer informed counsel that **Petitioner is no longer at FDC Philadelphia**—yet ICE’s own Detainee Locator System continues to list him as housed there. Petitioner’s current location is unknown to his counsel. This conduct constitutes a flagrant violation of this Court’s Order and warrants immediate judicial intervention.

MOTION TO REOPEN

As an initial matter, because this Court’s Order directed the Clerk to mark this case as closed (Order ¶ 6), Petitioner respectfully moves to reopen this case for the limited purpose of enforcing the Court’s Order. Reopening is warranted because the case was closed in contemplation of the Government’s compliance—compliance that has not occurred. A court retains inherent authority to enforce its own orders and to reopen a case where compliance has not been achieved. *See Kokkonen v. Guardian Life Ins. Co.*, 511 U.S. 375, 379–80 (1994) (courts retain inherent power to enforce compliance with their orders).

FACTUAL BACKGROUND

1. On February 23, 2026, this Court entered its Memorandum Opinion (ECF No. 8) and Order (ECF No. 9), granting Petitioner's Petition for Writ of Habeas Corpus and ordering Petitioner's immediate release from custody.

2. The Court's Order specifically provides, in relevant part:

*1. The Petition is **GRANTED**. The Government shall **RELEASE** Petitioner from custody immediately and file an entry on the docket certifying compliance with this Order no later than 5:00 p.m. on February 24, 2026.*

* * *

5. The Government may not remove, transfer, or otherwise facilitate the removal of Petitioner from the Commonwealth of Pennsylvania before the ordered bond hearing.

Order (ECF No. 9) ¶¶ 1, 5 (emphasis in original and added).

3. Immediately upon learning of this Court's Order, undersigned counsel traveled to FDC Philadelphia, located at 700 Arch Street, Philadelphia, PA 19106, to effectuate Petitioner's release in compliance with the Court's directive.

4. Upon arrival at FDC Philadelphia on February 23, 2026, undersigned counsel spoke with **Senior Officer Hood**, who informed counsel that **Petitioner Aslanbek Baskaev is no longer housed at FDC Philadelphia.**

5. Senior Officer Hood provided no information regarding where Petitioner had been transferred, when the transfer occurred, or under whose authority the transfer was executed.

6. As of the time of this filing, the official ICE Online Detainee Locator System **continues to list Petitioner's current detention facility as FDC Philadelphia**. The ICE system displays the following:

Detention Information For:

ASLANBEK BASKAEV

Country of Birth: Russia

A-Number: 

Current Detention Facility:

Philadelphia Federal Detention Center

700 Arch Street

Philadelphia, PA 19106

Visitor Information: (215) 521-4000

7. The discrepancy between the ICE Detainee Locator System—which lists Petitioner as detained at FDC Philadelphia—and the representation of FDC personnel that Petitioner is no longer there leads to an inescapable conclusion: **Respondents have transferred Petitioner out of FDC Philadelphia, in direct violation of Paragraph 5 of this Court’s Order, which expressly prohibits the Government from removing or transferring Petitioner from the Commonwealth of Pennsylvania.**

8. Undersigned counsel received no prior notice of any transfer. No motion to transfer was filed with this Court. No notification was provided to counsel of record. Petitioner’s current whereabouts are unknown to his attorney.

ARGUMENT

I. RESPONDENTS HAVE VIOLATED MULTIPLE PROVISIONS OF THIS COURT’S ORDER

This Court’s Order could not have been more explicit. Paragraph 1 commands the Government to “**RELEASE** Petitioner from custody immediately.” Paragraph 5 prohibits the Government from “remov[ing], transfer[ring], or otherwise facilitat[ing] the removal of Petitioner from the Commonwealth of Pennsylvania.” Respondents have violated both provisions. Rather than releasing Petitioner as ordered, Respondents transferred him away from the very facility where this Court directed his release—and they did so without notice to counsel or this Court.

The timing is not coincidental. This Court entered its Order on February 23, 2026. On that *same day*, Petitioner was no longer at FDC Philadelphia. The inference is plain: Respondents transferred Petitioner in response to—and in defiance of—this Court’s Order.

II. RESPONDENTS SHOULD BE HELD IN CIVIL CONTEMPT

A party may be held in civil contempt for failing to comply with a court order when the movant demonstrates by clear and convincing evidence that “(1) a valid court order existed, (2) the defendant had knowledge of the order, and (3) the defendant disobeyed the order.” *Marshak v. Treadwell*, 595 F.3d 478, 485 (3d Cir. 2009). All three elements are satisfied here:

First, this Court’s Order (ECF No. 9) is a valid, enforceable order entered by a court with subject matter jurisdiction over this habeas proceeding.

Second, Respondents had actual knowledge of the Order. The Order was entered on the CM/ECF docket and served on all parties. The Government’s counsel is a registered CM/ECF user and received electronic notification.

Third, Respondents disobeyed the Order. Rather than releasing Petitioner “immediately” as commanded, Respondents transferred him to an unknown location. Rather than keeping Petitioner within the Commonwealth of Pennsylvania as required by Paragraph 5, Respondents spirited him away without notice. The Government’s own records are internally contradictory—ICE’s locator system says Petitioner is at FDC Philadelphia, while FDC personnel say he is not.

III. THE GOVERNMENT’S MAINTENANCE OF FALSE RECORDS COMPOUNDS THE VIOLATION

The fact that ICE’s own Detainee Locator System continues to list Petitioner as detained at FDC Philadelphia—while FDC personnel confirm he is not there—is deeply disturbing. This discrepancy suggests either (a) the transfer was executed so hastily, in reaction to the Court’s

Order, that Respondents failed to update their own records, or (b) Respondents are deliberately maintaining false records to obscure Petitioner's location and frustrate compliance with this Court's Order. Either explanation is unacceptable and warrants the most serious judicial response.

Moreover, the maintenance of inaccurate records about a detainee's location effectively renders the writ of habeas corpus meaningless. The Great Writ exists precisely to ensure that the Government cannot hold individuals in secret. *See Boumediene v. Bush*, 553 U.S. 723, 745 (2008) ("The Framers viewed freedom from unlawful restraint as a fundamental precept of liberty, and they understood the writ of habeas corpus as a vital instrument to secure that freedom."). When the Government tells counsel one thing about a detainee's location and its own records say another, the writ's protective function is fatally undermined.

IV. THIS COURT RETAINS JURISDICTION TO ENFORCE ITS ORDER

Although the Court's Order directed the Clerk to mark this case as closed, the Court retains inherent authority to enforce its orders. *See Peacock v. Thomas*, 516 U.S. 349, 356 (1996) (federal courts possess inherent authority to enforce their judgments). The Government's transfer of Petitioner does not divest this Court of jurisdiction. *See Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004); *Ex parte Endo*, 323 U.S. 283, 304–05 (1944). To the contrary, the Court's jurisdiction is at its zenith when enforcing a direct order that has been willfully violated.

RELIEF REQUESTED

Petitioner respectfully requests that this Court issue an Order:

- (a) Reopening this case for the purpose of enforcing the Court's Order (ECF No. 9);
- (b) Directing Respondents to **immediately disclose the current location** of Petitioner

Aslanbek Baskaev, A#  within two (2) hours of the entry of this Order;

(c) Ordering Respondents to show cause why they should not be held in civil contempt for violating Paragraphs 1 and 5 of this Court’s Order;

(d) Ordering Respondents to **immediately return Petitioner to FDC Philadelphia and effectuate his release** in compliance with the Court’s Order;

(e) Enjoining Respondents from transferring, removing, or deporting Petitioner pending full compliance with this Court’s Order;

(f) Imposing sanctions, including coercive fines, against Respondents for each day of continued non-compliance;

(g) Requiring the individual Respondents, including Warden J.L. Jamison and Acting Field Office Director David O’Neill, to personally appear before this Court to explain their actions; and

(h) Granting any such further relief as this Court deems just and proper.

CONCLUSION

This Court issued a clear, unambiguous Order: release Petitioner immediately and do not transfer him from Pennsylvania. Within hours, Respondents have done the precise opposite—they have made Petitioner disappear. His own attorney cannot find him. The Government’s own records are false. This is not a case of inadvertent non-compliance; it is a calculated act of defiance against this Court’s authority. Petitioner respectfully urges this Court to act swiftly to vindicate its Order and ensure Mr. Baskaev’s safety and rights.

Dated: February 23, 2026

Respectfully submitted,

/s/ Robert Bond

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2026, a true and correct copy of the foregoing Emergency Motion to Reopen Case, for Order to Show Cause Why Respondents Should Not Be Held in Contempt, and Notice of Non-Compliance with Court Order was served upon all counsel of record via the Court's CM/ECF electronic filing system.

/s/ Robert Bond
Robert Bond, Esquire