

Name: PAVEL RIAZHSEIKH

A Number: [REDACTED]

Address: [REDACTED] United States

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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Pavel Riazhskikh

(A-Number: A [REDACTED])

Petitioner,

V.

Warden, San Luis Regional Detention Center;
Current or Acting Field Office Director, Phoenix
Field Office, United States Immigration and
Customs Enforcement; Current or Acting Director,
United States Immigration and Customs
Enforcement; Current or Acting Secretary, United
States Department of Homeland Security; Current
or Acting United States Attorney General,

Respondents.

CV26-02003-PHX-KML--ASB

Case No. _____

Petition for Writ of Habeas Corpus

PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, as follows:

INTRODUCTION

1. Petitioner, Pavel Riazhskikh, is currently detained by Immigration and Customs Enforcement (ICE) at the San Luis Regional Detention Center, Arizona, pending removal proceedings.

2. Petitioner has been detained in immigration custody for over twelve (12) months, even though no neutral decisionmaker—whether a federal judge or immigration judge ("IJ")—has conducted a hearing to determine whether this lengthy incarceration is warranted based on danger or flight risk.

3. Petitioner's prolonged detention without a hearing on danger or flight risk violates the Due Process Clause of the Fifth Amendment.

4. Petitioner therefore respectfully requests that this Court issue a writ of habeas corpus, determine that Petitioner's detention is not justified because the government has not established by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available alternatives to detention, and order Petitioner's release with appropriate conditions of supervision if necessary, taking into account Petitioner's ability to pay a bond.

5. Alternatively, Petitioner requests that the Court issue a writ of habeas corpus and order Petitioner's release within 30 days unless Respondents schedule a hearing before an IJ where: (1) to continue detention, the government establishes by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk of Petitioner's release; and (2) if the government cannot meet its burden, the IJ shall order Petitioner's release on appropriate conditions of supervision, taking into account Petitioner's ability to pay a bond.

' Petitioner respectfully requests that the Court use his initials, rather than his full last name, in any opinion in his case, as suggested by the Committee on Court Administration and Case Management of the Judicial Conference of the United States. See Memorandum Re: Privacy Concern Regarding Social Security & Immigration Opinions (May 1, 2018), available at https://www.uscourts.gov/sites/default/files/18-cv-1-suggestion_cacm_O.pdf; see also Jorge M.F. v. Jennings, 534 F. Supp. 3d 1050 n.1 (N.D. Cal. Apr. 14, 2021).

JURISDICTION

6. Petitioner is detained in the custody of Respondents at the San Luis Regional Detention Center, Arizona, detention center.

7. This action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution. Jurisdiction is proper under 28 U.S.C. § 8 1231 (federal question), 2241 (habeas corpus); U.S. Const. art. I, § 2; (Suspension Clause); and 5 U.S.C. § 702 (Administrative Procedure Act. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

8. Congress has preserved judicial review of challenges to prolonged immigration detention. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-841 (2018) holding that 8 U.S.C. §§ 1226(e), 1252(b)(9) do not bar review of challenges to prolonged immigration detention); see also *id.* at 876 (Breyer, J., dissenting). ("8 U.S.C. § 1252(b)(9)... by its terms applies only with respect to review of an order of removal") (internal quotation marks and brackets omitted).

VENUE

9. Venue is proper in this District because this is the district in which Petitioner is confined. See *Doe v. Garland*, 109 F.4th 1188, 1197-99 (9th Cir. 2024).

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court is required to grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to Respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If the Court issues an OSC, it is to require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).).

11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ affords "a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added); see also *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (explaining that the habeas statute requires expeditious determination of petitions).

PARTIES

12. Petitioner is a noncitizen currently detained by Respondents pending removal proceedings. Petitioner was born in Russia. DOB XXXXXXXXXX

13. Respondent Warden of the San Luis Regional Detention Center is Petitioner's immediate custodian at the facility where Petitioner is detained. See *Doe v. Garland*, 109 F.4th 1188, 1194-97 (9th Cir. 2024).

14. Respondent Secretary of The U.S. Department of Homeland Security ("DHS"), an agency of the United States, is responsible for the administration of the immigration laws. 8 U.S.C. § 1103(a). They are a legal custodian of Petitioner. They are named in their official capacity.

15. Respondent Acting or Current Attorney General of the United States is the most senior official in the U.S. Department of Justice ("DOJ"). They have the authority to interpret the immigration laws and adjudicate removal cases. They delegate this responsibility to the Executive

Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals ("BIA"). They are named in their official capacity.

16. Respondent Acting or Current Field Office Director of the Phoenix ICE Field Office is responsible for the Phoenix Field Office of ICE with administrative jurisdiction over Petitioner's case. They are a legal custodian of Petitioner and are named in their official capacity.

17. Respondent Acting or Current Director of ICE is responsible for ICE's policies, practices, and procedures, including those relating to the detention of immigrants. They are a legal custodian of Petitioner and are named in their official capacity.

STATEMENT OF FACTS

18. Petitioner is a noncitizen currently detained by Respondents pending immigration removal proceedings. Petitioner is pursuing the following claims in removal proceedings: asylum based on fear of persecution in Russia, request for withholding of removal, and protection under the Convention Against Torture (CAT).

19. On January 13, 2025, Petitioner presented himself at the U.S. border through CBP One scheduling. Petitioner has been detained in DHS custody since January 16, 2025, when they were first taken into custody in Otay Mesa, San Diego. Since June 2025, Petitioner has been detained at the San Luis Regional Detention Facility, Arizona.

20. A bond hearing was held on January 31, 2025; bond was denied. Petitioner has not been provided a bond hearing before a neutral decisionmaker to determine whether their prolonged detention is justified based on danger or flight risk as of December 22, 2025. Petitioner has maintained good conduct during detention.

21. The Immigration Court lacks jurisdiction and authority to provide Petitioner with a bond hearing to determine whether Petitioner's detention is justified. See 8 U.S.C. §§ 1225(b); 1226(c). There is no statutory or regulatory pathway for Petitioner to seek a bond hearing before a neutral decisionmaker.

22. Absent intervention by this Court, Petitioner cannot and will not be provided with a bond hearing by a neutral decisionmaker to assess the propriety of Petitioner's continued detention.

23. Additional facts that support Petitioner's entitlement to relief: Petitioner lost their initial immigration court case and is awaiting appeal. Petitioner faces limited access to legal resources and has restricted communication with counsel due to detention conditions at San Luis Regional Detention Facility. Petitioner also has medical concerns that are inadequately addressed by facility staff, exacerbating the hardships of prolonged detention.

Petitioner therefore respectfully requests that this Court:

- Issue a writ of habeas corpus and order Petitioner's release from detention, or, alternatively, grant a bond hearing before a neutral decisionmaker.
- if a bond hearing is ordered, require that Respondents demonstrate by clear and convincing evidence that Petitioner presents a risk of flight or danger to the community before continuing detention.
- Order release on reasonable conditions of supervision, including any bond the Court deems appropriate, taking into account Petitioner's ability to pay.

LEGAL BACKGROUND

24. 'It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.'" *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Renov. Flores*, 507 U.S. 292, 306(1993)). "Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690(2001); see also *id.* at 718 (Kennedy, J., dissenting) ("Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention."). This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. See *id.* at 721 (Kennedy, J., dissenting) ("[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious").

25. Due process requires "adequate procedural protections" to ensure that the government's asserted justification for physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 528.

26. Due process requires that the government provide bond hearings to noncitizens facing prolonged detention. "The Due Process Clause foresees eligibility for bail as part of due process" because "[b]ail is basic to our system of law." *Jennings*, 138 S. Ct. at 862 (Breyer, J., dissenting) (internal quotation marks omitted). While the Supreme Court upheld the mandatory detention of a noncitizen under Section 1226(c) in *Demore*, it did so based on the petitioner's concession of deportability and the Court's understanding at the time that such detentions are typically "brief." *Demore*, 538 U.S. at 522 n.6, 528. Where a noncitizen has been detained for a prolonged period or is pursuing a substantial defense to removal or claim to relief, due process requires an individualized determination that such a significant deprivation of liberty is warranted. *Id.* at 532 (Kennedy, J., concurring) ("[I]ndividualized determination as to his risk of flight and dangerousness" may be warranted if the continued detention became unreasonable or unjustified"); see also *Jackson v. Indiana*, 406 U.S. 715, 733 (1972) (holding that detention beyond the "initial commitment" requires additional safeguards); *McNeil v. Dir., Patuxent Inst.*, 407 U.S. 245, 249-50 (1972) (holding that "lesser safeguards may be appropriate" for "short-term confinement"); *Hutto v. Finney*, 437 U.S. 678, 685-86 (1978) holding that, in the Eighth Amendment context, "the length of confinement cannot be ignored in deciding whether [a] confinement meets constitutional standards"; *Reid v. Donelan*, 17 F.4th 1, 7 (1st Cir. 2021) (holding that "the Due Process Clause imposes some form of reasonableness limitation upon the duration of detention" under section 1226(c)) (internal quotation marks omitted).

A. Detention That Exceeds Six Months Without A Bond Hearing Is Unconstitutional.

27. Detention without a bond hearing is unconstitutional when it exceeds six months. See *Demore*, 538 U.S. at 529-30 (upholding only "brief" detentions under Section 1226(c), which last "roughly a month and a half in the vast majority of cases in which it is invoked, and about five months in the minority of cases in which the [noncitizen] chooses to appeal");

1 Zadvydas, 533 U.S. at 701 ("Congress previously doubted the constitutionality of detention for
 2 more than six months."); *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1091 (9th Cir. 2022) ("[I]nce
 3 the [noncitizen] has been detained for approximately six months, continuing detention becomes
 4 prolonged" (cleaned up) (quoting *Diouf v. Napolitano*, 634 F.3d 1081, 1091 (9th Cir. 2011)));
 5 *Rodriguez v. Nielsen*, Case No. 18-CV-04187-TSH, 2019 WL 7491555, at *6 (N.D. Cal. Jan. 7,
 6 2019) ("[D]etention becomes prolonged after six months and entitles [Petitioner] to a bond
 7 hearing").

8 28. The recognition that six months is a substantial period of confinement—and is the time after
 9 which additional process is required to support continued incarceration—is deeply rooted in our
 10 legal tradition. With few exceptions, in the late 18th century in America crimes triable without a
 11 jury were for the most part punishable by no more than a six-month prison term." *Duncan v.*
 12 *Louisiana*, 391 U.S. 145, 161 & n.34 (1968). Consistent with this tradition, the Supreme Court has
 13 found six months to be the limit of confinement for a criminal offense that a federal court may
 14 impose without the protection afforded by jury trial. *Cheff v. Schnackenberg*, 384 U.S. 373, 380
 15 (1966) (plurality opinion). The Court has also looked to six months as a benchmark in other
 16 contexts involving civil detention. See *McNeil v. Dir., Patuxent Inst.*, 407 U.S. 245, 249, 250-52
 17 (1972) (recognizing six months as an outer limit for confinement without individualized inquiry
 18 for civil commitment). The Court has likewise recognized the need for bright line constitutional
 19 rules in other areas of law. See *Maryland v. Shatzer*, 559 U.S. 98, 110 (2010) (holding that 14 days
 20 must elapse following invocation of *Miranda* rights before re-interrogation is permitted); *Cnty. of*
 21 *Riverside v. McLaughlin*, 500 U.S. 44, 55-56 (1991) holding that a probable cause hearing must
 22 take place within 48 hours of warrantless arrest).

23
 24 **B. Even Absent A Bright-Line Six-Month Standard, An Individualized Bond Hearing Is**
 25 **Required When Detention Becomes Unreasonably Prolonged.**

26 29. Petitioner's detention, without any individualized review, is unreasonable under the
 27 *Mathews v. Eldridge* due process test. Alternatively, Petitioner prevails under the multi-factor
 28 reasonableness test the Third Circuit adopted in *German Santos v. Warden Pike Correctional*
 29 *Facility*, 965 F.3d 203, 211 (3d Cir. 2020).

30 30. Each year, thousands of noncitizens are incarcerated for lengthy periods pending the
 31 resolution of their removal proceedings. See *Jennings*, 138 S. Ct. at 860 (Breyer, J., dissenting)
 32 (observing that class members, numbering in the thousands, had been detained "on average one
 33 year" and some had been detained for several years. For noncitizens who have some criminal
 34 history, their immigration detention often dwarfs the time spent in criminal custody, if any. *Id.*
 35 ("between one-half and two-thirds of the class served [criminal] sentences less than six months").

36 31. Petitioner faces severe hardships while detained by ICE. Petitioner is held in a locked down
 37 facility, with limited freedom of movement and access to Petitioner's family or support network:
 38 "[T]he circumstances of their detention are similar, so far as we can tell, to those in many prisons
 39 and jails." *Jennings*, 138 S. Ct. at 861 (Breyer, J., dissenting); accord *Chavez-Alvarez v. Warden*
 40 *York Cnty. Prison*, 783 F.3d 469, 478 (3d Cir. 2015); *Ngo v. INS*, 192 F.3d 390, 397-98 (3d Cir.
 41 1999); *Sopo v. U.S. Att'y Gen.*, 825 F.3d 1199, 1218, 1221 (11th Cir. 2016). "And in some cases
 42 the conditions of their confinement are inappropriately poor" including, for example, "invasive
 43 procedures, substandard care, and mistreatment, e.g., indiscriminate strip searches, long waits for
 44 medical care and hygiene products, and, in the case of one detainee, a multiday lock down for

1 sharing a cup of coffee with another detainee." Jennings, 138 S. Ct. at 861 (Breyer, J., dissenting)
2 (citing Press Release, Off. of Inspector Gen., Dept. of Homeland Sec., DHS OIG Inspection Cites
3 Concerns With Detainee Treatment and Care at ICE Detention Facilities (Dec. 14, 2017)); see also
4 Tom Dreisbach, Government's own experts found 'barbaric' and 'negligent' conditions in ICE
5 detention, NPR (Aug. 16, 2023, 5:01 AM) (reporting on the negligent' medical care (including
6 mental health care), 'unsafe and filthy' conditions, racist abuse of detainees, inappropriate pepper-
7 spraying of mentally ill detainees and other problems that, in some cases, contributed to detainee
8 deaths" contained in inspection reports prepared by experts from the Department of Homeland
9 Security's Office for Civil Rights and Civil Liberties after examining detention facilities between
10 2017 and 2019). Individuals at Golden State Annex Detention Facility have described receiving
11 food contaminated with insects (including cockroaches, flies, and spiders), hair, and other foreign
12 objects. See California Collaborative for Immigrant Justice, Starving for Justice: The Denial of
13 Proper Nutrition in Immigration Detention, at p. 7 (April 2022), available at
14 <https://www.ccijjustice.org/files/ugd/733055c43b1cbbdda341b894045940622a6dc3.pdf>. At Mesa
15 Verde Detention Facility, over 80% of detained individuals who responded to one survey said they
16 had received expired food. *Id.*

17 32. The Mathews test for procedural due process claims balances: (1) the private interest
18 threatened by governmental action; (2) the risk of erroneous deprivation of such interest and the
19 value of additional or substitute safeguards; and (3) the government interest. *Mathews v. Eldridge*,
20 424 U.S. 319, 335 (1976); see also *Sho v. Current or Acting Field Off. Dir.*, No. 1:21-CV-01812
21 TLN AC, 2023 WL 4014649, at *3 (E.D. Cal. June 15, 2023), report and recommendation adopted,
22 No. 1:21-CV-1812-TLN-AC, 2023 WL 4109421 (E.D. Cal. June 21, 2023) (applying Mathews
23 factors to a habeas petitioner's due process claims and collecting cases doing the same. Here, each
24 factor weighs in Petitioner's favor, requiring this Court to promptly hold a hearing to evaluate
25 whether the government can justify their ongoing detention.

26 33. First, Petitioner indisputably has a weighty interest in their liberty, the core private interest
27 at stake here. *Zadvydas*, 533 U.S. at 690 ("Freedom from imprisonment. lies at the heart of the
28 liberty [the Due Process Clause] protects."). Petitioner, who is being held in "incarceration-like
29 conditions," has an overwhelming interest here, regardless of the length of his immigration
30 detention, because "any length of detention implicates the same" fundamental rights. *Rajnish v.*
31 *Jennings*, No. 3:20-cv-07819-WHO, 2020 WL 7626414, at *6 (N.D. Cal. Dec. 22, 2020).

32 34. Second, Petitioner will suffer the erroneous risk of deprivation of their liberty without an
33 individualized evidentiary hearing. The risk of erroneous deprivation of their liberty is high, as
34 they have been detained since January 16, 2025 without any evaluation of whether the government
35 can justify detention under their individualized circumstances. "[T]he risk of an erroneous
36 deprivation of liberty in the absence of a hearing before a neutral decisionmaker is substantial."
37 *Diouf*, 634 F.3d at 1092. Conversely, "the probable value of additional procedural safeguards—
38 an individualized evaluation of the justification for his detention—s high, because Respondents
39 have provided virtually no procedural safeguards at all." *Jimenez v. Wolf*, No. 19-cv-07996-NC,
40 2020 WL 510347, *3 (N.D. Cal. Jan. 30, 2020) (granting habeas petition for person who had been
41 detained for one year without a bond hearing).

42 35. Third, the government's interest is very low in continuing to detain Petitioner without
43 providing any neutral review. See *Mathews*, 424 U.S. at 335. The specific interest at stake here is
44 not the government's ability to continue to detain Petitioner, but rather the government's ability to
45 continue to detain them for months on end without any individualized review. See *Marroquin*

1 Ambriz v. Barr, 420 F. Supp. 3d 953, 964 (N.D. Cal. 2019); Henriquez v. Garland, No. 5:22-CV-
 2 00869-EJD, 2022 WL 2132919, at *5 (N.D. Cal. June 14, 2022). The cost of providing an
 3 individualized inquiry is minimal. See Henriquez, 2022 WL 2132919, at *5. The government has
 4 repeatedly conceded this fact. See Lopez Reyes v. Bonnar, 362 F. Supp. 3d 762,777 (N.D. Cal.
 5 2019); Singh v. Barr, 400 F. Supp. 3d 1005, 1021 (S.D. Cal. 2019); Marroquin Ambriz, 420 F.
 6 Supp. 3d at 964.

7 36. In sum, the Mathews factors establish that Petitioner is entitled to an evidentiary hearing
 8 before a neutral adjudicator. Unsurprisingly, courts applying these standards in this Circuit have
 9 repeatedly held that prolonged detention without a hearing before a neutral adjudicator violates
 10 procedural due process. See, e.g., Romero Romero v. Wolf, No. 20-CV- 08031-TSH, 2021 WL
 11 254435, at *2, *5 (N.D. Cal. Jan. 26, 2021) holding that the petitioner's detention of just over one
 12 year without a custody hearing was "not compatible with due process" and granting habeas);
 13 Jimenez, 2020 WL 510347, at *1, *2, *4 holding that the petitioner's detention of just over one
 14 year without a custody hearing violated his due process rights and granting habeas; Gonzalez v.
 15 Bonnar, No. 18-CV-05321-JSC, 2019 WL 330906, at *1, *5 (N.D. Cal. Jan. 25, 2019) (holding
 16 that the petitioner's detention for just over one year without a custody hearing violates his due
 17 process rights and granting habeas); see also Singh v. Garland, No. 1:23-cv-01043-EPG-HC, 2023
 18 WL 5836048, at *6 (E.D. Cal. 2023); Shov. Current or Acting Field Office Director, No. 1:21-cv-
 19 01812-TLN-AC, 2023 WL 4014649 (E.D. Cal. 2023). This Court should so hold as well.

20 37. Rodriguez Diaz v. Garland, 53 F.4th 1189 (9th Cir. 2022), does not disturb this result. In
 21 Rodriguez Diaz, the Ninth Circuit applied the Mathews test to hold that the detention of a
 22 noncitizen detained under a different detention statute, 8 U.S.C. § 1226(a), did not violate
 23 procedural due process. 53F.4th at 1195. Unlike Sections 1225(b) and 1226(c), § 1226(a) mandates
 24 that detained individuals receive an individualized bond hearing at the outset of detention and
 25 provides for further bond hearings upon a material change in circumstances. See 8 C.F.R. §
 26 1003.19(e). The panel's decision in Rodriguez Diaz was predicated on the immediate and ongoing
 27 availability of this administrative process under § 1226(a). 53:F.4th at 1202 ("Section 1226(a) and
 28 its implementing regulations provide extensive procedural protections that are unavailable under
 29 other detention provisions"). Unlike the petitioner in Rodriguez Diaz, Petitioner has no statutory
 30 access to individualized review of his detention.

31 38. Alternatively, courts that apply a reasonableness test have considered four non-exhaustive
 32 factors in determining whether detention is reasonable. German Santos v. Warden Pike Cnty. Corr,
 33 Facility, 965 F.3d 203, 210-22 (3d Cir. 2020). The reasonableness inquiry is "highly fact-specific."
 34 Id, at 210. "The most important factor is the duration of detention." Id. At 211; see also Gonzalez
 35 v. Bonnar, No. 18-CV-05321-JSC, 2019 WL 330906, at *1, *5 (N.D. Cal. Jan. 25, 2019)
 36 (concluding that the petitioner's detention for just over one year without a custody hearing weighed
 37 strongly in favor of finding detention unreasonable, and violated his due process rights and
 38 granting habeas). Duration is evaluated along with "all the other circumstances," including (1)
 39 whether detention is likely to continue, (2) reasons for the delay, and (3) whether the conditions
 40 of confinement are meaningfully different from criminal punishment. Id. at 211.

41 39. As noted, Petitioner has been detained for a substantial length of time, supra 120 and
 42 Petitioner's detention is likely to continue as Petitioner asserts their right to seek immigration relief,
 43 supra | 19. Noncitizens should not be punished for pursuing "legitimate proceedings" to seek relief.
 44 See Masood v. Barr, No. 19-CV-07623-JD, 2020 WL 95633, at *3 (N.D. Cal. Jan. 8, 2020) ("[I]t
 45 ill suits the United States to suggest that [Petitioner] could shorten his detention by giving up these

rights and abandoning his asylum application."). Thus, courts should not count a continuance against the noncitizen when they obtained it in good faith to prepare their removal case, including efforts to obtain counsel. See *Hernandez Gomez*, 2023 WL 2802230, at *4 ("The duration and frequency of these requests [for continuances] do not diminish his significant liberty interest in his release or his irreparable injury of continued detention without a bond hearing."). Moreover, Petitioner's confinement and experiences at a facility operated by a private, for-profit prison contractor, demonstrate that their conditions of confinement are not meaningfully different from those of criminal punishment. See *supra* 11 10, 24, 32.

C. At Any Hearing, The Government Must Justify Ongoing Detention By Clear And Convincing Evidence.

40. At a bond hearing, due process requires certain minimum protections to ensure that a noncitizen's detention is warranted: the government must bear the burden of proof by clear and convincing evidence to justify continued detention, taking into consideration available alternatives to detention; and, if the government cannot meet its burden, the noncitizen's ability to pay a bond must be considered in determining the appropriate conditions of release.

41. To justify prolonged immigration detention, the government must bear the burden of proof by clear and convincing evidence that the noncitizen is a danger or flight risk. See *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *Aleman Gonzalez v. Barr*, 955 F.3d 762, 781 (9th Cir. 2020), *rev'd on other grounds by Garland v. Aleman Gonzalez*, 142 S. Ct. 2057, 213 L. Ed. 2d 102(2022) ("Jennings's rejection of layering [the clear and convincing burden of proof standard] onto § 1226(a) as a matter of statutory construction cannot... undercut our constitutional due process holding in *Singh*."); *Sho*, 2023 WL 4014649, at *5 (applying *Singh* and holding that the government shall bear the burden in a constitutionally required bond hearing to remedy detention under a different statutory provision); *Singh*, 2023 WL 5836048, at *9 (same); *Doe v. Garland*, No. 3:22-CV-03759-JD, 2023 WL 1934509, at *2 (N.D. Cal. Jan. 10, 2023) (same); *Pham v. Becerra*, No. 23-CV-01288-CRB, 2023 WL 2744397, at *7 (N.D. Cal. Mar. 31, 2023) (same); *Hernandez Gomez v. Becerra*, No. 23-CV- 01330-WHO, 2023 WL 2802230, at *4 (N.D. Cal. Apr. 4, 2023) (same); *Martinez Leiva v. Becerra*, No. 23-CV-02027-CRB, 2023 WL 3688097, at *9 (N.D. Cal. May 26, 2023); *I.E.S. v. Becerra*, No. 23-CV-03783-BLF, 2023 WL 6317617, at *10 (N.D. Cal. Sept. 27, 2023) (same); *Singh Grewal v. Becerra*, No. 23-CV-03621-JCS, 2023 WL 6519272, at *8 (N.D. Cal. Oct. 4, 2023) (same); *Gomez v. Becerra*, No. 23-CV-03724-JCS, 2023 WL 6232236, at *9 (N.D. Cal. Sept. 25, 2023) (same); *Henriquez v. Garland*, No. 23-CV-01025-AMO, 2023 WL 6226374, at *4 (N.D. Cal. Sept. 25, 2023) (same); *Rodriguez Picazo v. Garland*, No. 23-CV-02529-AMO, 2023 WL 5352897, at *7 (N.D. Cal. Aug. 21, 2023) (same).

42. Where the Supreme Court has permitted civil detention in other contexts, it has relied on the fact that the Government bore the burden of proof by at least clear and convincing evidence. See *United States v. Salerno*, 481 U.S. 739, 750, 752 (1987) (upholding pre-trial detention after a "full-blown adversary hearing" requiring "clear and convincing evidence" and "a neutral decisionmaker"); *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) (striking down civil detention scheme that placed burden on the detainee); *Zadvydas*, 533 U.S. at 692 (finding post-final-order custody review procedures deficient because, *inter alia*, they placed burden on detainee).

43. The requirement that the government bear the burden of proof by clear and convincing evidence is also supported by application of the three-factor balancing test from *Mathews v.*

Eldridge, 424 U.S. 319, 335 (1976). First, "an individual's private interest in 'freedom from prolonged detention' is 'unquestionably substantial.'" See Rodriguez Diaz, 53 F.4th at 1207 (citing Singh, 638 F.3d at 1208). Second, the risk of error is great where the government is represented by trained attorneys and detained noncitizens are often unrepresented and may lack English proficiency. See Santosky v. Kramer, 455 U.S. 745, 763 (1982) (requiring clear and convincing evidence at parental termination proceedings because "numerous factors combine to magnify the risk of erroneous factfinding" including that "parents subject to termination proceedings are often poor, uneducated, or members of minority groups" and "[t]he State's attorney usually will be expert on the issues contested"). Moreover, detained noncitizens are incarcerated in prison-like conditions that severely hamper their ability to obtain legal assistance, gather evidence, and prepare for a bond hearing. See supra 132. Third, placing the burden on the government imposes minimal cost or inconvenience to it, as the government has access to the noncitizen's immigration records and other information that it can use to make its case for continued detention.

D. Due Process Requires Consideration Of Alternatives To Detention.

44. Due process also requires consideration of alternatives to detention. The primary purpose of immigration detention is to ensure a noncitizen's appearance during civil removal proceedings. Zadvydas, 533 U.S. at 697. Detention is not reasonably related to this purpose if there are alternative conditions of release that could mitigate risk of flight. See Bell v. Wolfish, 441 U.S. 520, 538-39 (1979) (civil pretrial detention may be unconstitutionally punitive if it is excessive in relation to its legitimate purpose. ICE's alternatives to detention program—the Intensive Supervision Appearance Program—has achieved extraordinary success in ensuring appearance at removal proceedings, reaching compliance rates close to 100 percent. Hernandez v. Sessions, 872 F.3d 976, 991 (9th Cir. 2017) (observing that ISAP "resulted in a 99% attendance rate at all EOIR hearings and a 95% attendance rate at final hearings"). Thus, alternatives to detention must be considered in determining whether prolonged incarceration is warranted.

45. Due process likewise requires consideration of a noncitizen's ability to pay a bond. "Detention of an indigent 'for inability to post money bail' is impermissible if the individual's 'appearance at trial could reasonably be assured by one of the alternate forms of release.'" Hernandez, 872 F.3d at 990 (quoting Pugh v. Rainwater, 572 F.2d 1053, 1058 (5th Cir. 1978) (en banc)). Therefore, when determining the appropriate conditions of release for people detained for immigration purposes, due process requires "consideration of financial circumstances and alternative conditions of release." Id.; see also Martinez v. Clark, 36 F.4th 1219, 1231 (9th Cir. 2022) ("While the government had a legitimate interest in protecting the public and ensuring the appearance of noncitizens in immigration proceedings, we held [in Hernandez] that detaining an indigent alien without consideration of financial circumstances and alternative release conditions was 'unlikely to result' in a bond determination 'reasonably related to the government's legitimate interests.' (citation omitted).").

CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

46. Petitioner re-alleges and incorporates by reference the paragraphs above.

47. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.

48. To justify Petitioner's ongoing prolonged detention, due process requires that the government establish, at an individualized hearing before a neutral decisionmaker, that Petitioner's detention is justified by clear and convincing evidence of flight risk or danger, taking into account whether alternatives to detention could sufficiently mitigate that risk.

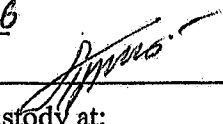
49. For these reasons, Petitioner's ongoing prolonged detention without a hearing violates due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Issue a Writ of Habeas Corpus, hold a hearing before this Court if warranted, determine that Petitioner's detention is not justified because the government hasnot established by clear and convincing evidence that Petitioner presents a risk of flight or danger in light of available alternatives to detention, and order Petitioner's release (with appropriate conditions of supervision if necessary), taking into account Petitioner's ability to pay a bond;
- 3) In the alternative, issue a Writ of Habeas Corpus and order Petitioner's release within 30 days unless Respondents schedule a hearing before an immigration judge where: (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of alternatives to detention that could mitigate any risk thatPetitioner's release would present; and (2) if the government cannot meet its burden, the immigration judge order Petitioner's release on appropriate conditions of supervision, taking into account Petitioner's ability to pay a bond;
- 4) Issue a declaration that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment;
- 5) Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412; and
- 6) Grant such further relief as the Court deems just and proper.

Date 03.19.2026

Pavel Riazhskikh 

Detained in ICE Custody at:

San Luis Regional Detention Center

406 N Avenue D

San Luis, AZ 85349

United States

Certificate of Service

I hereby certify that a copy of the foregoing document was mailed this 03.19.2026 to:

Name Petitioner(s): Pavel Riazhskikh

Address: Phoenix Divisions

U.S. District Court Clerk

U.S. Courthouse, Suite 130

401 West Washington Street, SPC 10

Phoenix, Arizona 85003-2119

Signature: [Signature]

IN SUPPORT OF PAVEL RIAZHSEKIKH AND ELMIRA DZHAMALOVA

I, Aleksandr Kucherkov, declare under penalty of perjury under the laws of the United States, as follows:

I submit this declaration in support of Pavel Riazhskikh and Elmira Dzhamaalova.

I have known them personally since 2015. Over these years, I have come to know them not only as friends but also as honest, responsible, and trustworthy people. They are a family that values stability, integrity, and mutual respect.

Pavel is a calm and thoughtful individual who takes his responsibilities seriously. He is not aggressive and has always acted lawfully and respectfully toward others. Elmira is kind, compassionate, and emotionally strong. She treats people with dignity and care. Neither of them is violent or poses any threat to society.

Their prolonged detention has had a significant emotional and psychological impact on them. It is painful to see such good people held in custody for so long while awaiting the continuation of their legal process. They experience stress, uncertainty, and hardship, yet they continue to hope for a fair opportunity to present their case.

I am confident that if released, Pavel and Elmira will comply with all court and immigration requirements. They understand the seriousness of their situation and want to resolve it lawfully and respectfully. They have no intention of fleeing. They seek stability and the ability to live peacefully and lawfully.

If the Court grants their release, I am ready to support them, assist with housing and daily needs if necessary, and ensure they comply with any conditions imposed by the Court.

I respectfully ask the Court to consider their character, integrity, and the strong support of their community.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 03/04/2026

Aleksandr Kucherkov





CASA MARIANELLA

821 Gunter Street • Austin, TX 78702
Tel: (512) 385-5571 • Fax: (512) 842-9360
supportletters@casamarianella.org
www.casamarianella.org

January 9, 2026

Pavel Riazhskikh

A#

Country of Origin: Russia

SAN LUIS DETENTION CENTER

Pavel Riazhskikh
P.O. BOX 7710
San Luis, AZ, 85349

To whom it may concern:

Casa Marianella agrees to receive Pavel Riazhskikh. Casa Marianella is a shelter that serves immigrants, asylum-seekers, and asylees. We provide housing, case management, transportation (including bus fare from detention), and other supportive services to such individuals. We are located at 821 Gunter Street, Austin, Texas 78702, and our office phone number is (512) 385-5571. Our phone line is often busy; to confirm sponsorship of Pavel Riazhskikh, it is best to contact the shelter's Support Letter Team at supportletters@casamarianella.org, with the individual's name and A# as the subject. Casa Marianella is not open to the public, and we do not accept everyone who applies to stay with us. We have a strict screening process of individuals that contact us while in ICE custody, and Pavel Riazhskikh clearly meets all of our criteria.

Casa Marianella has been operating since 1986 and has welcomed residents from over 40 countries. Casa Marianella offers a wide variety of services to both residents and the greater immigrant community in Austin. Casa Marianella staff, who are present on site at all times, are trained and experienced in working with immigrants and refugees. I, Jennifer Long, am the director of Casa Marianella. I also provide case management services to residents in order to support them in pursuing their legal immigration cases.

Upon arriving, each resident of Casa Marianella has access to a case manager who can support the individual in various capacities: obtaining services in the community, monitoring their behavior and well-being in the shelter, and ensuring that the individual attends ICE appointments and court dates. Casa

Marianella can also connect residents to medical care and legal assistance. I am willing to provide case management to Pavel Riazhskikh during their time at Casa Marianella.

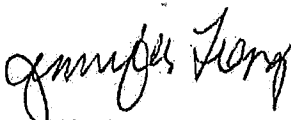
Residents of Casa Marianella are expected to abide by strict house rules and participate in upkeep of the house. The residents participate in household chores every day and are expected to keep their bed and belongings clean and orderly. The shelter has a strict curfew the residents must abide by, and each resident is required to attend a nightly meeting. While living at Casa Marianella, Pavel Riazhskikh will be expected to abide by house rules, abstain from drugs and alcohol, and refrain from the use of violence in any form.

Casa Marianella specializes in working with and managing asylum seekers while their immigration claims are pending, and we have extensive experience in this area. Casa Marianella staff assist residents in building self-sufficiency. In recent years, over 90% of residents who have exited the shelter have successfully transitioned into permanent housing.

In addition to shelter, case management, transportation to ICE appointments and hearings, and access to legal and medical resources, residents at Casa Marianella can receive clothing and food. If they do not already speak English, residents are required to attend English classes four nights per week.

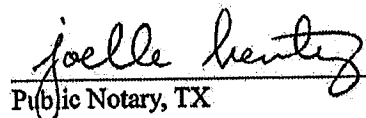
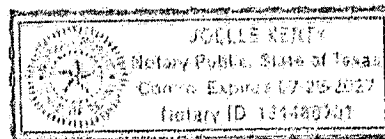
Casa Marianella's mission is to provide hospitality to immigrants and refugees. We appreciate the opportunity to serve refugees in need of housing during their immigration process. Thank you for your attention to this urgent matter.

Sincerely,



Jennifer Long
Director
Casa Marianella

Sworn and signed before me this 16th day of January, 2028 by Jennifer Long


Public Notary, TX

DEPORTATION Department Request Form

Riazhskikh, Pavel



U.S. Immigration and
Customs Enforcement

Docket/Case Officer: I.C.E

Housing Unit: [REDACTED]

Alien #: [REDACTED]

Detainee Name: Pavel Riazhskikh Nationality: Russian

☐ When is my next court date? Response _____

☐ Do I have a bond? /Bond amount? Response _____

☐ Will ICE reduce my bond? Response _____

☐ When will I see my consulate? Response _____

☐ When will my asylum interview be conducted? Response _____

☐ When will I get deported (removed)? Response _____

☐ How long does an appeal take? Response _____

☐ I already have a Deportation/Removal Order. When is my custody review? / What is the status of my review?

Response _____

☒ Other request/question:

Hello! I want to go out for bond. Please, help me with this!
Please, see my sponsor packet. Thank you so much!

Detainee Signature: [Signature] Request Date: 12/24/25

ICE Response:

ICE DOESNT ISSUE BONDS.
No bonds

Staff Signature: [Signature] Date: _____



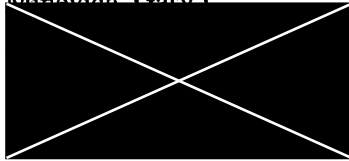
UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMPERIAL IMMIGRATION COURT

Respondent Name:

RIAZHSEIKH, PAVEL

To:

Minovich, Gary L



A-Number:



Riders:



DZHAMALOVA, ELMIRA

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

10/26/2025

☐ Unable to forward - no address provided.

- ☒ Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

- ☐ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

- ☐ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.
- ☐ Attached is a copy of the decision of the immigration judge relating to a Credible Fear Review. This is a final order. No appeal is available.

COPY

☐ Other:

Date: 10/26/2025

2

Immigration Judge: STENDER, JACOB 10/26/2025

Certificate of Service

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Respondent Name : RIAZHSEIKH, PAVEL | A-Number : 

Riders:

 DZHAMALOVA, ELMIRA

Date: 10/27/2025 By: COLEMAN, SHIANNE, Court Staff



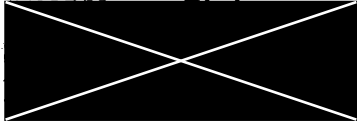
UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMPERIAL IMMIGRATION COURT

Respondent Name:

RIAZHSHKIKH, PAVEL

To:

Minevich, Gary I



A-Number:



Riders:



DZHAMALOVA, ELMIRA

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

10/26/2025

ORDER OF THE IMMIGRATION JUDGE

- ☒ This is a summary of the oral decision entered on 10/26/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- ☐ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☐ removable ☒ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(7)(A)(i)(I)

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- ☒ Asylum was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under INA § 241(b)(3) was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☒ Withholding of Removal under the Convention Against Torture was ☐ granted ☒ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. See INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

- ☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice
- ☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

- ☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

- ☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

III. Voluntary Departure

- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.
- ☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- ☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
- ☐ Further information regarding voluntary departure has been added to the record.
- ☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. See INA § 240B(d)(1). The immigration court has set

- ☐ the presumptive civil monetary penalty amount of \$3,000.00 USD
- ☐ \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of

10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

IV. Removal

- ☒ Respondent was ordered removed to Russia
- ☐ In the alternative, Respondent was ordered removed to
- ☒ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

V. Other

- ☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
☐ terminated without prejudice ☐ administratively closed.
☐ Respondent's status was rescinded under INA § 246.
☐ Other:

2

Immigration Judge: STENDER, JACOB 10/26/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☐ waived ☒ reserved

Appeal Due: 11/25/2025

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Respondent Name : RIAZHSEIKH, PAVEL | A-Number : 

Riders:

 DZHAMALOVA, ELMIRA

Date: 10/27/2025 By: COLEMAN, SHIANNE, Court Staff



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT**

Respondent Name:

RIAZHSEKIKH, PAVEL

To:

RIAZHSEKIKH, PAVEL
DHS CUSTODY
SAN DIEGO, CA 92154

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/31/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☒ Denied, because
Respondent is an arriving noncitizen, therefore, the court lacks jurisdiction pursuant to INA Section 235(b)(2)(A).

☐ Granted. It is ordered that Respondent be:
☐ released from custody on his own recognizance.
☐ released from custody under bond of \$
☐ other:

☐ Other:

Mark

Immigration Judge: SAMEIT, MARK 01/31/2025

Appeal: Department of Homeland Security: ☒ waived ☐ reserved
Respondent: ☒ waived ☐ reserved

Appeal Due:

Certificate of Service

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To: [] Noncitizen | [M] Noncitizen c/o custodial officer | [] Noncitizen's atty/rep. | [M] DHS

Respondent Name : RIAZHSEIKH, PAVEL | A-Number : 

Riders:

Date: 01/31/2025 By: Rosa Rodriguez, Court Staff