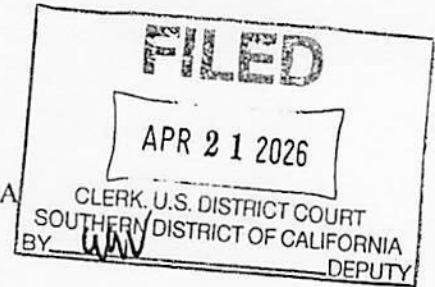


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



ANDREI BIKMASOV,

Petitioner,

v.

Case No. \_\_\_\_\_

Warden, Otay Mesa Detention Center, San  
Diego, California

**PETITION FOR WRIT OF HABEAS  
CORPUS UNDER 28 U.S.C. § 2241**

Respondent.

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**I. PRELIMINARY STATEMENT**

Petitioner Andrei Bikmasov respectfully seeks habeas relief from his ongoing immigration detention, which has become constitutionally impermissible and procedurally deficient.

This case presents a rare and compelling situation in which the Government has detained an individual based on a removal order entered months after it had already confirmed that he had departed the United States. The Government's own records establish that Petitioner departed the United States on October 22, 2024 (see **Exhibit F**) — nearly six months before the April 10, 2025 in absentia hearing that later produced the removal order now used to justify his detention.

The Government not only knew of Petitioner's departure, but affirmatively facilitated it. ICE records reflect repeated in-person reporting, disclosure of travel plans, verification of contact information, return of Petitioner's passport, and confirmed boarding on an international flight departing Los Angeles on October 22, 2024. ICE later expressly recorded: "Subject self-deported prior to IJ order on 10/22/2024." (See **Exhibit G**)

Despite this, an in absentia removal order was entered months later based on a failure to appear at a hearing that Petitioner could not physically attend because he was no longer in the United States. His absence was not willful; it was a direct consequence of his documented and known departure. (see Exhibit A)

The procedural deficiencies are further compounded by the manner in which notice was provided. Hearing notices were served only through counsel during a period of representation instability, including substitution of primary counsel in July 2024 and the entry of an additional attorney just two days before the April 10, 2025 hearing. Under these circumstances, the record does not demonstrate that Petitioner received a meaningful opportunity to be heard.

Petitioner was later encountered near the border on June 17, 2025, transferred into custody, and has remained continuously detained in immigration custody without ever receiving a constitutionally adequate individualized bond hearing in those proceedings. Although Petitioner was granted bond in his federal criminal case, he was never provided with any bond hearing in immigration proceedings.

The federal court's decision to grant bond underscores that Petitioner does not pose a danger to the community. At the same time, the record affirmatively demonstrates that he does not present a flight risk. Prior to his departure in 2024, Petitioner complied with all ICE check-ins, provided accurate information, and followed official procedures. After filing his appeal, he refused to board a removal flight in order to pursue legal remedies, further confirming his intent to remain within the legal process rather than evade it.

Petitioner's continued detention is also causing ongoing harm. He suffers from documented medical conditions, including asthma and respiratory issues, which have worsened due to detention conditions, including exposure to construction-related irritants.

Taken together, these facts present an extraordinary case in which detention is based on a procedurally defective removal order, unsupported by any individualized assessment of risk, and maintained despite clear evidence of compliance, non-dangerousness, and lack of flight risk.

Petitioner therefore seeks immediate habeas relief, including release from custody or, at a minimum, a prompt individualized bond hearing before a neutral decisionmaker at which the Government bears the burden of justifying continued detention.

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## II. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under authority of the United States and challenges the legality and constitutionality of that custody. See also *Zadvydas v. Davis*, 533 U.S. 678 (2001).

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## III. VENUE

Venue is proper in this District because Petitioner is confined within this District and his immediate custodian is located here. Petitioner is detained at Otay Mesa Detention Center and has remained there continuously since July 4, 2025, following transfer from prior custodial settings after his June 17, 2025 arrest and June 30, 2025 release from criminal custody into immigration custody. This petition is therefore properly brought in the district of confinement.

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## IV. PARTIES

Petitioner is Andrei Bikmasov,  a native and citizen of Russia, currently detained by immigration authorities. His A-number, citizenship, and detention file information appear repeatedly in the underlying DHS and EOIR records.

Respondent is Petitioner's immediate custodian, together with any federal official exercising legal control over his detention. The precise respondent names can be inserted once the final filing district and caption are locked.

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## V. CUSTODY STATUS

Petitioner is currently in immigration detention. DHS records from June 17, 2025 show a detainer and immigration processing following his arrest near Tecate, California. He was booked into custodial process after that arrest, and a federal criminal complaint under 8 U.S.C. § 1326 was filed on June 18, 2025. (See Exhibitor J)

Following his arrest on June 17, 2025, Petitioner was placed in federal criminal custody in connection with an alleged illegal reentry offense. At a subsequent hearing, the federal court granted bond in that matter.

However, rather than being released, Petitioner was immediately transferred into immigration custody. He was held in border detention conditions before being transferred to Otay Mesa Detention Center on or about July 4, 2025, where he has remained continuously detained. He has not received a constitutionally sufficient individualized bond hearing in connection with this prolonged detention.

The federal criminal charge was later dismissed and did not result in any conviction.

The federal court's decision to grant bond further confirms that Petitioner does not pose a danger to the community and does not warrant continued detention.

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## VI. RELEVANT PROCEDURAL HISTORY

Petitioner was placed in removal proceedings in 2022. EOIR records reflect proceedings under  The record later shows that attorney Michael Quiroga entered an EOIR-28 on July 3, 2024, and that the Immigration Judge granted a motion to substitute him as counsel on July 17, 2024. The motion itself stated that the law firm was restructuring and redistributing case responsibility among attorneys, and the attached paralegal declaration stated that the client was informed by phone and text and consented to the reassignment.

On August 28, 2024, EOIR issued a Notice of Internet-Based Hearing scheduling a hearing for February 5, 2025. That notice was directed to counsel, not directly to Petitioner, and the certificate of service reflects electronic service to the attorney/representative and DHS.

On February 5, 2025, EOIR issued a Notice of In-Person Hearing resetting the case for April 10, 2025 at 8:30 a.m. in West Los Angeles. That notice, again, was addressed to counsel—"Kostiv & Associates, P.C., Quiroga, Michael"—and the certificate of service again reflects service to attorney/representative and DHS, not direct personal service on Petitioner.

On April 8, 2025, attorney Susanlee Forty Vázquez entered an appearance as non-primary attorney/representative for all non-bond proceedings, only two days before the April 10 hearing.

On April 10, 2025, the Immigration Judge entered an in absentia removal order. The order states that written notification had been provided and that Petitioner failed to appear. The certificate of service shows electronic service to Noncitizen's atty/rep. and DHS, not to Petitioner himself.

That in absentia order is profoundly suspect because DHS's own records establish that Petitioner had already departed the United States on October 22, 2024—nearly six months earlier. ICE's records reflect that on September 25, 2024 Petitioner appeared at the Los Angeles ICE office, used a Russian interpreter, verified his address and phone number, was told the next EOIR date was February 5, 2025, and stated that he wanted to depart. On October 8, 2024 ICE recorded that his itinerary was uploaded. On October 21, 2024 ICE recorded that his original passports and ID card were returned to him. On October 30, 2024 ICE recorded that UPAX confirmed he boarded Flight CX 883 departing LAX on October 22, 2024. Then, on May 5, 2025, ICE entered the critical notation: "IJ ordered removed in absentia 04/10/2025. Subject self-deported prior to IJ order on 10/22/2024."

Petitioner later sought reopening. According to the record and procedural chronology already assembled in the appeal materials, the Immigration Judge denied reopening on July 31, 2025 (see **Exhibit B**), focusing on notice-through-counsel and alleged failure to establish exceptional circumstances tied to a family medical emergency. The case was then appealed to the Board of Immigration Appeals. Petitioner possesses a BIA receipt notice reflecting receipt of the appeal on September 2, 2025. (see **Exhibit C**)

Petitioner received a briefing schedule in or about March 2026 and timely submitted a brief in support of his appeal pursuant to that schedule. (see **Exhibit D**)

The appeal remains pending.

Yet the automated EOIR system at one point reflected “No appeal was received for this case,” underscoring additional procedural unreliability. Petitioner’s continued detention now proceeds against that unsettled and procedurally problematic backdrop.

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## **VII. STATEMENT OF FACTS**

### **A. Petitioner did not abscond; he openly interacted with ICE before departing the United States.**

This record does not show evasion. It shows cooperation.

ICE records show that Petitioner repeatedly appeared in person, verified his contact information, disclosed his wish to depart, provided itinerary information, and obtained the return of his original passport and identification before travel. ICE later confirmed through boarding records that he in fact departed on October 22, 2024.

Those facts matter. A noncitizen attempting to evade proceedings does not ordinarily appear multiple times at ICE offices, verify his address and phone number, upload an itinerary, obtain his passport back through official channels, and then leave on a documented international flight that the Government itself records and later labels “self-deported.” (see Exhibits F-G)

### **B. Petitioner could not physically appear on April 10, 2025 because he was no longer in the United States.**

The Government’s own documentation places Petitioner outside the country from October 22, 2024 forward. The April 10, 2025 hearing occurred nearly six months later.

That timing is fatal to any simplistic narrative that Petitioner merely ignored a scheduled hearing. Whatever legal arguments the Government may try to advance about service on counsel, the core factual reality remains unchanged: Petitioner was outside the United States when the April 10, 2025 hearing was reset and held.

### **C. The notice record is weak because service ran through counsel only, while representation was in flux.**

Both the February 5, 2025 hearing notice resetting the case to April 10 and the April 10, 2025 in absentia order show service on counsel and DHS, rather than direct service on Petitioner.

That would already be troubling given Petitioner's absence from the country. But the problem is compounded by the representation history: Michael Quiroga became substitute primary counsel in mid-2024 during internal law-firm restructuring, and Susanlee Forty Vázquez entered as a non-primary attorney only two days before the hearing.

This is precisely the kind of record that raises serious doubt about whether meaningful communication of the hearing date actually reached Petitioner in a way that gave him a real opportunity to respond.

**D. Petitioner's present detention is prolonged and unsupported by an individualized justification.**

Following his June 17, 2025 arrest near the border, Petitioner was placed into custody and has remained detained through immigration authorities without a constitutionally adequate individualized bond determination. The criminal complaint was filed on June 18, 2025, but DHS records in the same file also describe his criminal record as "None Known."

His custody is therefore not supported by a record showing dangerousness, and the existing detention rationale depends heavily on a procedurally questionable in absentia order entered after DHS already knew he had left the country. That combination makes ongoing detention especially constitutionally troubling.

**E. Petitioner has a concrete release plan and strong evidence against flight risk.**

Petitioner has a release address in Los Angeles and a family-based support structure. DHS property documentation also reflects that Mariia Machnev was identified to receive or assist with his personal property, which corroborates an existing family support relationship.

Most importantly, the record undercuts flight risk. Before leaving in 2024, he cooperated openly with ICE. After filing his BIA appeal in 2025, he reportedly refused to board a removal flight because he wanted to await the legal result of that appeal. That is not the behavior of a person trying to disappear. It is the behavior of a person trying to remain within process.

**F. Conditions of confinement during transfer and detention**

During his transfer into immigration custody, Petitioner was held in border detention conditions that lacked basic human necessities. He was forced to sleep on the floor, did not have access to a shower for several days, and was unable to meaningfully communicate with legal counsel.

Even his federal defense attorney was unable to communicate with him during this period, further demonstrating the lack of access to legal representation at a critical stage.

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**VIII. RELIEF REQUESTED IN THIS PETITION**

Petitioner asks this Court to issue a writ of habeas corpus and order one of the following forms of relief:

1. Immediate release from immigration detention; or
2. In the alternative, a prompt individualized bond hearing before a neutral adjudicator at which the Government bears the burden to justify continued detention; and
3. Any further relief the Court deems just and proper.

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**BLOCK 2**

**CLAIMS FOR RELIEF / LEGAL ARGUMENT**

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**IX. CLAIMS FOR RELIEF**

Petitioner asserts the following independent and interrelated grounds for habeas relief. Each ground, standing alone, warrants relief; taken together, they compel immediate intervention by this Court.

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## **GROUND I**

### **PROLONGED DETENTION WITHOUT AN INDIVIDUALIZED BOND HEARING VIOLATES DUE PROCESS**

Petitioner has been continuously detained in immigration custody since approximately July 4, 2025, a period now exceeding nine months.

The Fifth Amendment prohibits civil immigration detention from becoming punitive, indefinite, or unreasonably prolonged without procedural safeguards. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Courts evaluating prolonged detention consider factors including:

- (1) total length of detention;
- (2) likely future duration;
- (3) conditions of detention;
- (4) delay attributable to the noncitizen;
- (5) delay attributable to the Government; and
- (6) likelihood of eventual removal.

Applied here:

- Length: Detention exceeds 9 months — well into constitutionally suspect territory.

- Future duration: Petitioner's appeal remains pending, and the briefing schedule was not issued until approximately March 2026, further extending the duration of detention and rendering its endpoint uncertain.
- Conditions: Documented exposure to paint fumes and construction exacerbating asthma.
- Delay (Petitioner): None — he pursued legal remedies diligently.
- Delay (Government): Procedural complexity, inconsistent records, denial of reopening.
- Removal likelihood: Uncertain due to pending appeal and procedural defects.

Accordingly, Petitioner's detention has become unreasonably prolonged and unconstitutional.

The Government cannot justify Petitioner's continued detention under any constitutionally permissible standard.

*As the Supreme Court has recognized, "civil detention violates due process when it becomes unreasonable or unjustified." See Zadvydas v. Davis, 533 U.S. 678 (2001).*

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## GROUND II

### DETENTION WITHOUT A BOND HEARING VIOLATES PROCEDURAL DUE PROCESS

Despite prolonged detention, Petitioner has never received an individualized bond hearing.

Due process requires that detention be accompanied by an opportunity to challenge confinement before a neutral decisionmaker.

Due process requires a meaningful opportunity to challenge detention before a neutral decisionmaker. See *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).

At minimum, such a hearing must include:

- an individualized assessment,
- consideration of alternatives to detention,
- and a burden on the Government to justify continued detention.

Here, Petitioner has been detained for months with zero opportunity to contest his confinement.

This alone constitutes a standalone due process violation.

*Courts within this Circuit have granted habeas relief in similar circumstances where prolonged detention occurred without a bond hearing. See Sadeqi v. LaRose, 809 F. Supp. 3d 1090 (S.D. Cal.).*

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### GROUND III

#### PETITIONER IS NOT A FLIGHT RISK AND THE RECORD AFFIRMATIVELY PROVES COMPLIANCE

The Government cannot justify detention by asserting flight risk.

The record shows the opposite:

- Petitioner regularly attended ICE check-ins without missing appointments
- He verified his contact information
- He requested his passport through ICE channels
- He disclosed his travel plans openly
- He departed through a documented international flight

- His exit was biometrically confirmed
- ICE itself recorded that he “self-deported prior to IJ order”

This is not evasion. This is documented cooperation with immigration authorities. (see Exhibits F-G)

Further:

- After filing his BIA appeal, Petitioner refused removal, choosing to remain in custody to pursue legal relief

That conduct is fundamentally inconsistent with flight risk.

Petitioner has no criminal convictions and does not pose a danger to the community. Any prior criminal charge did not result in a conviction and therefore does not support continued detention.

A federal court has already determined that Petitioner was eligible for release on bond, further demonstrating that he does not pose a danger to the community.

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#### GROUND IV

##### THE IN ABSENTIA REMOVAL ORDER DOES NOT JUSTIFY DETENTION BECAUSE PETITIONER COULD NOT PHYSICALLY APPEAR

The April 10, 2025 in absentia removal order cannot serve as a valid basis for prolonged detention.

The Government’s own records establish that Petitioner:

- Departed the United States on October 22, 2024 (see Exhibit F)  
Thus: He was outside the United States for nearly six months before the hearing occurred.

Therefore:

- He could not physically appear
- He did not evade the hearing
- His absence was not willful

This alone undermines any inference of noncompliance.

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#### **GROUND V**

##### **NOTICE WAS PROCEDURALLY DEFECTIVE AND DID NOT PROVIDE A MEANINGFUL OPPORTUNITY TO BE HEARD**

The record reflects that hearing notices were:

- served through counsel only, not directly to Petitioner
- issued during a period of attorney substitution and representation instability

Specifically:

- substitution of counsel occurred in mid-2024
- an additional attorney entered appearance two days before the hearing

This creates a breakdown in the reliability of communication.

Due process requires not merely formal notice, but a meaningful opportunity to be heard.

Where:

- the individual is outside the country, and
- notice flows through changing legal representation,

constructive notice is insufficient.

Critically, Petitioner's legal representation was not stable during the relevant period. The record reflects that counsel was substituted in July 2024, followed by the entry of additional counsel on April 8, 2025, only two days prior to the scheduled hearing on April 10, 2025 (see **Exhibit E**).

As reflected in **Exhibit E**, these records document multiple changes in counsel, including the substitution of representation and the entry of new counsel immediately before the scheduled hearing.

This pattern of changing legal representation undermined the reliability of communication between Petitioner and counsel. At the time these changes occurred, Petitioner was physically outside of the United States and therefore entirely dependent on counsel to receive and convey critical information regarding his immigration proceedings.

Under these circumstances, reliance on notice through counsel did not provide Petitioner with meaningful or reliable notice. The instability of representation, combined with Petitioner's absence from the country, created a breakdown in communication that deprived Petitioner of a fair opportunity to appear.

These facts, as reflected in **Exhibit E**, establish substantial grounds to conclude that Petitioner was denied due process and that the in absentia removal order was entered without constitutionally adequate notice.

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## **GROUND VI**

### **DENIAL OF MOTION TO REOPEN DOES NOT JUSTIFY CONTINUED DETENTION**

The Immigration Judge denied reopening on procedural grounds, including:

- reliance on notice through counsel
- alleged lack of detail regarding medical circumstances

However:

- The denial was not based on danger or flight risk
- It was procedural, not substantive

Therefore: it cannot justify prolonged detention

Moreover:

- Petitioner promptly corrected procedural issues (signature)
- He pursued reopening diligently

This reflects good faith, not delay.

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## GROUND VII

### MEDICAL CONDITIONS AND DETENTION ENVIRONMENT CREATE ONGOING AND WORSENING HARM

Petitioner suffers from multiple chronic and acute medical conditions affecting his respiratory system, sinuses, eyes, and overall health. These include:

- asthma (mild persistent, diagnosed since early childhood);
- chronic sinusitis and recurrent sinus infections;
- allergic rhinitis;
- recurrent eye infections (including conjunctivitis);
- upper respiratory infections (URI);
- anxiety and panic attacks, including symptoms triggered by confined spaces;
- reported thyroid abnormality, including a mass or cyst, which requires diagnostic evaluation and monitoring that has not been provided in detention.

These conditions are documented in Petitioner's medical records maintained during detention (see **Exhibit H**).

Petitioner's asthma is triggered and exacerbated by environmental and physiological factors, including dust, chemical exposure, cleaning agents, paint fumes, second-hand smoke, and psychological stress. These triggers are consistently present in the detention environment.

While in detention, Petitioner has experienced a clear and ongoing pattern of deterioration. His condition is not stable and continues to worsen over time, as reflected in repeated medical complaints and treatment encounters (see **Exhibit H**).

Specifically, the record reflects:

- multiple asthma exacerbations, including episodes of respiratory distress and nighttime breathing difficulty;
- worsening symptoms following exposure to paint fumes, cleaning chemicals, and poor air quality in the facility;
- repeated placement in the medical unit due to respiratory and related complications;
- recurrent eye infections, including documented conjunctivitis on multiple occasions (including August, September, and January), accompanied by inflammation and vision-related complaints;
- persistent sinus infections and upper respiratory symptoms, including nasal congestion and productive cough with green sputum;
- diagnosis of COVID-19 requiring placement in a medical housing unit;
- reports of blurred vision and worsening eye inflammation;
- anxiety and panic attacks triggered and exacerbated by confinement and detention conditions.

Medical personnel have indicated that Petitioner's conditions are interconnected and chronic in nature, with infection and inflammation affecting the sinuses, eyes, and respiratory system, and contributing to worsening pulmonary symptoms.

Despite documented concerns regarding a thyroid abnormality, Petitioner has not received appropriate diagnostic evaluation, including imaging or specialist consultation, due to limitations inherent in detention conditions (see **Exhibit H**). This condition remains unresolved and unmonitored.

Critically, detention conditions themselves are actively contributing to the worsening of Petitioner's health. The facility environment includes:

- repeated exposure to paint fumes due to ongoing maintenance and repainting;

- exposure to chemical agents, including cleaning substances and irritants such as pepper spray;
- persistent dust and poor air quality;
- limited environmental control and ventilation.

These factors directly aggravate Petitioner’s asthma and respiratory illnesses, increasing both the frequency and severity of his symptoms.

Petitioner’s condition cannot be adequately stabilized in detention. His repeated need for medical attention demonstrates that continued confinement is contributing to ongoing deterioration rather than recovery.

Continued detention places Petitioner at risk of irreparable harm, including worsening respiratory distress, recurrent infections, and complications affecting his vision and overall health. These harms cannot be adequately mitigated within the detention environment.

Accordingly, Petitioner’s medical condition independently supports habeas relief.

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## **GROUND VIII**

### **PROCEDURAL IRREGULARITIES AND SYSTEM INCONSISTENCIES UNDERMINE THE RELIABILITY OF DETENTION BASIS**

Petitioner timely filed a BIA appeal and received:

- confirmation of receipt (see Exhibit C)
- briefing schedule (see Exhibit D)

However:

- EOIR system reflects “No appeal received” (See Exhibit K)

This discrepancy demonstrates:

- lack of transparency
- administrative inconsistency

Detention based on such an unstable procedural record is constitutionally suspect.

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#### **X. CONCLUSION OF LEGAL ARGUMENT**

Taken together, the record demonstrates that Petitioner's continued detention is constitutionally impermissible. Petitioner has been subjected to prolonged immigration detention without ever receiving an individualized bond hearing, despite clear evidence that he does not pose a flight risk or a danger to the community.

The Government's position is internally inconsistent: it permitted and documented Petitioner's departure, yet now relies on a removal order entered after that departure to justify prolonged detention without individualized review.

There is no evidence in the record that Petitioner poses any danger to the community, and a federal court has already determined that he was eligible for release on bond. At the same time, the record affirmatively demonstrates compliance, not evasion.

Continued detention under these circumstances serves no legitimate governmental purpose and violates the Due Process Clause of the Fifth Amendment.

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#### **BLOCK 3**

#### **PRAYER FOR RELIEF, VERIFICATION, SIGNATURE**

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**XI. PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and order the following relief:

**A. Immediate Release**

Order Petitioner's immediate release from immigration detention, as his continued confinement violates the Due Process Clause of the Fifth Amendment.

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**C. Conditions of Release (if applicable)**

**B. Conditions of Release (if deemed appropriate by the Court)**

In the event the Court determines that conditions are appropriate, Petitioner respectfully proposes the following:

• Residence at:



Los Angeles, CA 90038

• Supervision by:

Mariia Machnev (family member and prior bond sponsor in federal proceedings)

- Compliance with all ICE reporting requirements;
  - Attendance at all immigration proceedings;
  - Any additional reasonable conditions imposed by the Court.
- 

**C. Appointment of Counsel**

Appoint counsel to represent Petitioner pursuant to 18 U.S.C. § 3006A(a)(2)(B), as the interests of justice so require.

Petitioner is currently detained and unable to effectively represent himself in complex federal habeas proceedings involving constitutional and immigration law issues. The case presents substantial questions of law and fact, including the legality of detention following an in absentia removal order, prior departure from the United States, and violations of procedural due process.

Petitioner's ability to litigate this matter is further impaired by his medical conditions, including respiratory and anxiety-related disorders, which are exacerbated by detention. The appointment of counsel is necessary to ensure a meaningful opportunity to be heard and fundamental fairness in these proceedings.

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#### **D. Injunctive Relief**

Order that Respondents cease unlawful detention of Petitioner pending resolution of his immigration proceedings.

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#### **E. Declaratory Relief**

Declare that Petitioner's continued detention:

- without a bond hearing,
- under prolonged conditions,

violates the Fifth Amendment Due Process Clause.

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#### **F. Any Other Relief**

Grant such other and further relief as the Court deems just and proper.

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## XII. VERIFICATION

I, Andrei Bikmasov, declare under penalty of perjury that:

- I am the Petitioner in this action;
  - I have read the foregoing Petition;
  - The facts stated in this Petition are true and correct to the best of my knowledge.
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Executed on: 04/13/26

Location: Olay Mesa Detention Center

Signature: \_\_\_\_\_

Andrei Bikmasov



**EXHIBITS LIST:**

**SECTION I – IMMIGRATION PROCEEDINGS AND PROCEDURAL HISTORY**

**Exhibit A** - In Absentia Removal Order (April 10, 2025)

**Exhibit B** - Decision Denying Motion to Reopen (July 31, 2025)

**Exhibit C** - BIA Appeal Receipt (September 2025)

**Exhibit D** - BIA Briefing Schedule (March 2026) *TO BE SUBMITTED LATER*

**Exhibit E** - Substitution and Entry of Counsel Records (July 2024 and April 8, 2025)

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**SECTION II – ICE RECORDS AND EVIDENCE OF COMPLIANCE AND DEPARTURE**

**Exhibit F** - ICE Departure Records (October 22, 2024)

**Exhibit G** - ICE Compliance Records (Check-ins, Passport Return, Itinerary Submission)

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**SECTION III – MEDICAL RECORDS AND CONDITIONS OF DETENTION**

**Exhibit H** - Detention Medical Records

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**SECTION IV – CONDITIONS OF RELEASE AND COMMUNITY SUPPORT**

**Exhibit I** - Declaration of Mariia Machnev, sponsor; Proof of address

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**SECTION V – BORDER AND CRIMINAL PROCESSING RECORDS (FOR CONTEXT)**

**Exhibit J - Criminal Complaint, Probable Cause Statement, and DHS Form I-213**

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**Exhibit K - Optional - EOIR Case Status Screenshot ("No Appeal Received")**

Screenshot from the EOIR automated case information system reflecting that no appeal was recorded at a certain point, despite Petitioner having received a BIA appeal receipt and subsequent briefing schedule. This exhibit demonstrates procedural inconsistency and unreliability in the administrative record

*Exhibit L - Immigration Detainer*

**SECTION I –**

**IMMIGRATION PROCEEDINGS AND PROCEDURAL HISTORY**

**EXHIBITS A, B, C, D, E**

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**Exhibit A - In Absentia Removal Order (April 10, 2025)**

Order issued by the Immigration Court in Los Angeles, California, reflecting removal in absentia.

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**Exhibit B - Decision Denying Motion to Reopen (July 31, 2025)**

Immigration Court decision denying Petitioner's Motion to Reopen, including reasoning related to notice and alleged lack of exceptional circumstances.

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**Exhibit C - BIA Appeal Receipt (September 2025)**

Documentation confirming that Petitioner timely filed an appeal with the Board of Immigration Appeals.

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**Exhibit D - BIA Briefing Schedule (March 2026)**

TO BE SUBMITTED  
LATER

Notice issued by the Board of Immigration Appeals setting deadlines for submission of briefing, reflecting that appellate proceedings remain pending.

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**Exhibit E - Substitution and Entry of Counsel Records (July 2024 and April 8, 2025)**

Documentation reflecting changes in Petitioner's legal representation, including substitution of counsel in July 2024 and entry of additional counsel on April 8, 2025, only two days prior to the April 10, 2025 hearing. These records demonstrate instability in legal representation and support Petitioner's claim that notice provided through counsel was not meaningful or reliable.