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Attorneys for Mr. Popov

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

VITALII POPOV,

Petitioner,

v.

WARDEN, Otay mesa Detention Center,
and FIELD OFFICE DIRECTOR, ICE
San Diego Field Office,

Respondents.

CIVIL CASE NO.: 26-cv-2519-BAS

Status Report

On April 28, 2026, this Court appointed Federal Defenders to assist with Vitalii Popov's  habeas corpus petition. Undersigned counsel scheduled a call with Mr. Popov for May 5. While counsel was talking to Mr. Popov, she received notice from the U.S. Attorney's Office that ICE had arranged to remove him to Russia in the next week. Mr. Popov earnestly believes that he will die if he is removed to Russia. He asked that counsel convey the facts of his case to this Court and request additional relief on his behalf. This status report both requests appointment or a continuance and conveys Mr. Popov's additional requests.

A. Request for appointment or a continuance

The government alleges that ICE will remove Mr. Popov to Russia within the next week. But if the removal does not go forward, petitioner may benefit from

1 Federal Defenders' assistance. Federal Defenders therefore requests that this Court
2 either appoint Federal Defenders or continue the case for 10 days to see whether
3 appointment is appropriate.

4 **B. Facts of Mr. Popov's case and request for relief**

5 Based on counsel's conversation with Mr. Popov, counsel believes that his
6 situation is as follows. A declaration attached to this filing memorializes these
7 facts.

8 Mr. Popov was born in the former USSR and currently holds a Russian
9 passport. He came to the United States through the CBP One app on November 8,
10 2023. He lost his asylum case in February 2024. While the appeal was pending,
11 he was on parole.

12 Mr. Popov lost his BIA appeal in spring 2025. He then hired a lawyer to
13 handle the Ninth Circuit appeal, but the lawyer filed a few days late, so the appeal
14 did not go forward. Mr. Popov attempted to reopen his case but was unsuccessful.
15 Meanwhile, Mr. Popov was detained on September 18, 2025. Though his removal
16 order was final at that point, ICE did not expeditiously remove Mr. Popov.
17 Instead, ICE held him in detention for over seven months. Mr. Popov's mental
18 and physical health suffered during this prolonged detention.

19 Mr. Popov filed a habeas petition. Shortly after, the government informed
20 Federal Defenders that ICE had arranged for Mr. Popov's removal.

21 Mr. Popov believes that if he is removed to Russia, he will be killed. He
22 and I informed ICE of this belief and requested removal to any other country,
23 whether in the region (like Moldova) or outside of it (like Uganda or Mexico). An
24 ICE officer informed counsel that because Mr. Popov does not have status in
25 those places, ICE will not remove him there. Mr. Popov and I also requested an
26 additional credible fear or reasonable fear interview. Those requests were denied.

27 The ICE officer then informed counsel that if Mr. Popov cooperates with
28 his removal, he will be placed on a commercial flight, and he will be removed

1 without direct coordination with the Russian government. She said that if he does
2 not cooperate, he will be shackled and escorted to Russia, and ICE will inform the
3 Russian government that Mr. Popov is coming.

4 Mr. Popov requested that I convey this information to the Court, including
5 facts about his unjustified near-eight-month detention and the risks to his life that
6 this removal poses. He requests release from detention and an order enjoining his
7 removal to Russia, while permitting removal to any other third country.

8
9 Respectfully submitted,

10
11 Dated: May 6, 2026

s/ Katie Hurrelbrink

Katie Hurrelbrink

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