SUPPLEMENT TO HABEAS CORPUS PETITION

Supplement to Case No. 26-cv-2519-BAS

Vitalii Popov — A# 241380059

Otay Mesa Detention Center

Date: May 16, 2026

FILED
JUN 08 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

I have been detained at the Otay Mesa Detention Center since September 18, 2025. During my detention, I repeatedly asked ICE officers about the status of my case. I was consistently told that I had a motion pending before the Board of Immigration Appeals (BIA) to reopen my appeal. I do not know the current status of that motion — whether it remains pending, was denied, or was otherwise resolved — as I have never been formally notified of any ruling.

Later, I requested bond, which was denied on November 19, 2025. On December 3, 2025, I filed a bond appeal. As of the date of this supplement, I have received no decision on that appeal. Nearly six months have passed without any ruling, which itself constitutes a denial of due process.

Every month I continued asking ICE officers about my case, and the response was always the same: that my motion and bond appeal were pending. During all this time, ICE took no meaningful action regarding my removal. This prolonged inaction, combined with the absence of any adjudication, demonstrates that there is no significant likelihood of lawful removal in the reasonably foreseeable future. Under the standard established by the United States Supreme Court in **Zadvydas v. Davis**, continued detention beyond the presumptively reasonable six-month period is unlawful absent a rebuttal by the government showing such likelihood. The government has provided no such rebuttal.

On April 14, 2026, I prepared my Habeas Corpus petition and gave it to the case manager to be sent by the fastest available mail service. I paid approximately $35 from my personal account because I was told it would be delivered within one or two days. However, the petition was not mailed until approximately one week later — and only after ICE officers came to me, apparently having read the contents of my petition, and demanded that I sign deportation paperwork. The timing of this demand, immediately following their review of my legal filing, strongly suggests an attempt to pressure me into waiving my legal rights before this Court could act.

I refused to sign. I had already been detained for more than 180 days without meaningful progress in my case. If there was truly a final order of removal, removal should have been executed within the statutory removal period. Continued detention beyond that period without proper justification is unlawful prolonged detention.

This petition raises a claim under the Convention Against Torture (CAT), commonly referred to as a **Zadvydas/CAT claim**. Under this framework, the government is prohibited from removing any individual to a country where it is more likely than not that the individual will be subjected to torture or killed. I have submitted credible, specific, and documented evidence through my Form I-589 and throughout my immigration proceedings demonstrating that I face a grave and certain risk of death if returned to Russia. I do not merely fear this outcome — **I know** I will be killed. This conclusion is based on specific, documented threats to my life, not on generalized fear. The government's repeated attempts to forcibly remove me to Russia, despite my clearly stated and documented danger, violate my rights under the Convention Against Torture and constitute an unlawful act this Court has authority and jurisdiction to remedy.

I stated my fear of return to Russia both in my immigration proceedings and in my Form I-589 application for asylum and protection. To my knowledge, my I-589 has not been fully and fairly adjudicated in light of the specific threats I documented. I respectfully ask this Court to consider whether my removal is being pursued without proper consideration of my pending protection claims.

On May 11, 2026, ICE attempted to deport me to Russia. Several days before the attempt, ICE officers told me that if I did not cooperate, this Habeas Corpus case would not help me. I wish to state unequivocally: I am not refusing to cooperate with the government, and I am not refusing removal from the United States. I am asking only that I not be deported to Russia — a country where I know I will be killed.

When ICE transported me to the airport, officers acknowledged that they understood I did not want to go to Russia and offered instead to send me to Casablanca. I agreed to this proposal. However, after I was brought to the airline counter and checked in, the boarding passes I was shown revealed the following route:

San Diego → New York

New York → Casablanca
Casablanca → Moscow

I immediately asked the ICE officer what guarantee I had that my passport would be returned to me in Casablanca rather than held and delivered to Russian authorities upon arrival in Moscow. No officer could answer this question. The route as ticketed would have resulted in my delivery to Russia regardless of my agreement to travel to Casablanca. I was, in effect, being deceived into boarding a flight to the country where I know I will be killed. I refused to board.

I was returned to the vehicle and placed in handcuffs. After approximately ten minutes, an ICE officer and a detention officer opened the vehicle door, grabbed me by the leg and by the chain restraints, directed profanity at me, and stated that I would fly regardless of my refusal. I resisted. Another officer eventually intervened and prevented the situation from escalating further. I was then returned to the detention center. The use of physical force against me in these circumstances — where I had a pending Habeas Corpus petition before this Court and a documented, legitimate fear of return — constitutes excessive and unlawful force that this Court should address.

PRAYER FOR RELIEF

Based on the foregoing, Petitioner respectfully requests that this Court grant the following relief:

1. Order Petitioner's immediate release from detention, as continued detention beyond the presumptively reasonable period is unlawful under Zadvydas v. Davis;

2. Issue an injunction prohibiting Respondents from removing Petitioner to Russia pending full resolution of this petition and all related proceedings;

3. Order Respondents to provide a ruling on Petitioner's bond appeal filed December 3, 2025, which has remained unadjudicated for nearly six months;

4. Order Respondents to provide a ruling on the pending BIA motion to reopen, and to notify Petitioner of its status and outcome;

5. Conduct a hearing to address the use of physical force against Petitioner at the airport on May 11, 2026, and the delay and apparent interference with Petitioner's legal mail;

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

I have obeyed the laws of this country throughout my time in the United States and have committed no crimes. I do not have meaningful assistance from attorneys and rely only on myself, my efforts, and the fairness of this Court.

Thank you for taking the time to read and consider my situation.

Respectfully submitted,

[redacted]

Vitalii Popov

[redacted]