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

11 TAKHIR RUSTAMOVICH SABIROV, 12 13 14 CHRISTOPHER J. LAROSE, et al, 15 16	Petitioner, v. Respondents.	Case No. 26-cv-03213-RFL-AHG <b>RETURN TO PETITIONER'S HABEAS PETITION</b>
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17 **I. INTRODUCTION**

18 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. For the reasons  
19 below, Respondents ask the Court to deny Petitioner's requests for relief and dismiss  
20 the petition.

21 **II. FACTUAL BACKGROUND**

22 Petitioner is a native and citizen of Uzbekistan. *See* Declaration of Elvira K La  
23 Pierre ("La Pierre Decl.") at ¶ 5; *see also* Exhibit 1 (Notice to Appear). Petitioner  
24 entered on a J-1 Visa on August 20, 2000. *See* La Pierre Decl. at ¶ 6; *see also* Exhibit  
25 1. On June 15, 2006, Petitioner was issued a Notice to Appear (NTA) in Orlando, FL.  
26 *See id.* at ¶ 7; *see also* Exhibit 1. On August 19, 2009, an Immigration Judge (IJ) denied  
27 Petitioner relief from removal and ordered him removed to Uzbekistan. *See* La Pierre  
28 Decl. at ¶ 8; *see also* Exhibit 2 (IJ Removal Order). On September 15, 2009, Petitioner

1 filed an appeal at the Board of Immigration Appeals (BIA). *See* La Pierre Decl. at ¶ 9.  
2 The BIA dismissed the appeal on July 15, 2010. *See id.* at ¶ 10. On January 24, 2012,  
3 Petitioner was released on order of supervision. *See id.* at ¶ 13.

4 On April 29, 2026, a Travel Document (TD) request was resubmitted to the  
5 embassy of Uzbekistan in New York. *See* La Pierre Decl. at ¶ 14. On May 11, 2026,  
6 ERO San Diego received a TD to Uzbekistan. *See id.* at ¶ 15. On May 12, 2026, ERO  
7 processed the Order of Supervision (OSUP) revocation. *See id.* at ¶ 16; *see also* Exhibit  
8 3 (Notice of Revocation of Release and Informal Interview). On May 13, 2026,  
9 Enforcement and Removal Operations (ERO) placed Petitioner under arrest based on  
10 the final order of removal to Uzbekistan and the TD that was received from Uzbekistan.  
11 *See* La Pierre Decl. at ¶ 17. Petitioner was taken into custody pending removal to  
12 Uzbekistan. *See id.* On May 28, 2026, ERO tentatively scheduled Petitioner for removal  
13 on an ICE Charter Flight to Uzbekistan on June 9, 2026. *See id.* at ¶ 18. ERO continues  
14 to diligently work to effectuate removal to Uzbekistan. *See id.* at ¶ 19. Under these  
15 circumstances, ICE believes “there is a significant likelihood of removal in the  
16 reasonably foreseeable future.” *See id.*

17 **A. Petitioner’s First Claim Fails Because ICE Provided Petitioner with**  
18 **the Notice of Revocation of Release and Informal Interview Under the**  
19 **Regulations.**

20 A noncitizen who is not removed within the statutory removal period may be  
21 released from ICE custody “pending removal . . . subject to supervision under  
22 regulations prescribed by the Attorney General.” 8 U.S.C. §§ 1231(a)(1)(A),  
23 1231(a)(3); *see also* 8 U.S.C. § 1231(a)(6). An order of supervision may be issued under  
24 8 C.F.R. § 241.4, and the order may be revoked under 8 C.F.R. § 241.4(l)(2) where, for  
25 example, the noncitizen “violates any condition of release” or where “appropriate to  
26 enforce a removal order.” *See also* 8 C.F.R. § 241.5 (conditions of release after removal  
27 period). ICE may also revoke the order of supervision where, “on account of changed  
28 circumstances, [ICE] determines that there is a significant likelihood that the alien may  
be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2). The

1 regulations further provide:

2       Upon revocation, the alien will be notified of the reasons for revocation of  
3 his or her release or parole. The alien will be afforded an initial informal  
4 interview promptly after his or her return to Service custody to afford the  
5 alien an opportunity to respond to the reasons for revocation stated in the  
6 notification.

6 8 C.F.R. § 214.4(D).

7       Here, despite being provided with a written Notice of Revocation of Release and  
8 an informal interview, Petitioner nonetheless argues that ICE failed to follow its  
9 regulations. The claim is unavailing. *See generally* Exhibit 3. The regulations confer  
10 broad discretion to revoke release under these circumstances. *See* 8 C.F.R. § 241.4(D)(2).

11 As the Ninth Circuit explained:

12       While the regulation provides the detainee some opportunity to respond to  
13 the reasons for revocation, it provides no other procedural and no  
14 meaningful substantive limit on this exercise of discretion as it allows  
15 revocation ‘when, in the opinion of the revoking official . . . the purposes  
16 of release have been served . . . or the conduct of the alien, *or any other*  
17 *circumstance*, indicates that release would no longer be appropriate.

17 *Rodriguez v. Hayes*, 591 F.3d 1105, 1117 (9th Cir. 2010) (quoting § 241.4(D)(2)(i), (iv),  
18 brackets omitted, emphasis in original). As the regulation provides “no other procedural  
19 and no meaningful substantive limit” on ICE’s discretion to revoke release in this case,  
20 Petitioner’s challenge to the notice and the reasoning provided fails.

21       Respondents complied with the regulations in this case because ICE provided  
22 Petitioner with a Notice of Revocation of Release and informal interview, and the record  
23 reflects that Petitioner understood the reasons that ICE revoked his release in this case.

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1           **B. Petitioner’s Claim Fails Because the Government Has Rebutted Any**  
2           **Showing that There is No Significant Likelihood of Removal to**  
3           **Uzbekistan in the Reasonably Foreseeable Future.**

4           “Section 241(a) of the Immigration and Nationality Act (INA), codified at 8  
5 U.S.C. § 1231(a), authorizes the detention of noncitizens who have been ordered  
6 removed from the United States.” *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 575  
7 (2022). The INA provides that an alien ordered removed must be detained for 90 days  
8 pending the government’s efforts to secure the alien’s removal through negotiations  
9 with foreign governments. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General “shall  
10 detain” the alien during the 90-day removal period under subsection (a)(1)).

11           Section 1231(a)(6) “authorizes further detention if the Government fails to  
12 remove the alien during those 90 days.” *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001).  
13 The statute, however, is limited to “a period reasonably necessary to bring about the  
14 alien’s removal from the United States” and “does not permit indefinite detention.” *Id.*  
15 at 689. The Supreme Court has held that a six-month period of post-removal detention  
16 constitutes a “presumptively reasonable period of detention.” *Id.* at 701. Release is not  
17 mandated after the expiration of the six-month period unless “there is no significant  
18 likelihood of removal in the reasonably foreseeable future.” *Id.*

19           Release is not mandated after the expiration of the six-month period unless “there  
20 is no significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas*,  
21 533 U.S. at 701; *see also Clark*, 543 U.S. at 377. The Supreme Court limited the statute,  
22 allowing “post-removal-period detention to a period reasonably necessary to bring  
23 about that alien’s removal from the United States.” *Zadvydas*, 533 U.S. at 689. “[O]nce  
24 removal is no longer reasonably foreseeable, continued detention is no longer  
25 authorized by statute.” *Id.* at 699. Ultimately, “an alien may be held in confinement until  
26 it has been determined that there is no significant likelihood of removal in the  
27 reasonably foreseeable future.” *Id.* at 701.

1 The record does not support a finding that “there is no significant likelihood of  
2 removal in the reasonably foreseeable future.” *Id.* On May 11, 2026, ERO San Diego  
3 received a TD to Uzbekistan. On May 12, 2026, ERO processed the OSUP revocation.  
4 On May 13, 2026, ERO placed Petitioner under arrest based on the final order of  
5 removal to Uzbekistan and the TD that was received from Uzbekistan. Petitioner was  
6 taken into custody pending removal to Uzbekistan. Shortly after, on May 28, 2026, ERO  
7 tentatively scheduled Petitioner for removal on an ICE Charter Flight to Uzbekistan on  
8 June 9, 2026.

9 As it stands, it would be premature to conclude that there is no significant  
10 likelihood of removal in the reasonably foreseeable future before permitting ICE an  
11 opportunity to complete the diligent efforts it has taken to effect Petitioner’s removal.  
12 ICE has taken the exact steps it needs to take to ensure their removal efforts bear fruit.  
13 Evidence of progress, even slow progress, in negotiating a petitioner’s repatriation will  
14 satisfy *Zadvydas* until the petitioner’s detention grows unreasonably lengthy. *See Kim*  
15 *v. Ashcroft*, Case No. 02cv1524-J (LAB), ECF No. 25 at 8 (S.D. Cal. June 2, 2003)  
16 (finding that petitioner’s one year and four-month detention does not violate *Zadvydas*  
17 given respondent’s production of evidence showing governments’ negotiations are in  
18 progress and there is reason to believe that removal is likely in the foreseeable future);  
19 *see Sereke v. DHS*, Case No. 19-cv-1250-WQH-AGS, ECF No. 5 at 5 (S.D. Cal. Aug.  
20 15, 2019) (“the record at this stage in the litigation does not support a finding that there  
21 is no significant likelihood of Petitioner’s removal in the reasonably foreseeable  
22 future.”); *Marquez v. Wolf*, Case No. 20-cv-1769-WQH-BLM, 2020 WL 6044080 at \*3  
23 (denying petition because “Respondents have set forth evidence that demonstrates  
24 progress and the reasons for the delay in Petitioner’s removal”). Given ICE’s diligent  
25 efforts and its demonstrated ability to execute removal orders to Uzbekistan, the  
26 circumstances of Petitioner’s case at this point do not support a finding that his case  
27 would be stuck in limbo such that his detention would be unreasonably lengthy—let  
28 alone indefinite.

1 **IV. CONCLUSION**

2 For the reasons stated herein, Respondents respectfully request the Court to deny  
3 the habeas petition and motion for temporary restraining order.

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5 DATED: June 2, 2026

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