

1 ERIC GRANT
United States Attorney
2 SEAN DAVIS
Special Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
5 Attorneys for Respondents

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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 ASKAT ZHARMATOV,

12 Petitioner,

13 v.

14 TONYA ANDREWS, *et al.*,

15 Respondents.
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No. 1:26-CV-05240-TLN-AC

**OPPOSITION TO PETITION FOR WRIT OF
HABEAS CORPUS**

17 **OBJECTION NO. 1**

18 Even if Petitioner were subject to § 1226(a), which Respondents dispute, Respondents object to
19 the recommendation of an order for immediate release. As the Supreme Court has explained, Congress
20 either mandates or permits the detention of aliens for the entire duration of their removal proceedings.
21 *Jennings v. Rodriguez*, 583 U.S. 281, 294–306 (2018). This detention is meant to ensure that the
22 Government can ultimately remove them. *Id.* at 285; *see also Demore v. Kim*, 538 U.S. 510, 528 (2003)
23 (explaining that detention during removal proceedings “necessarily serves the purpose of preventing
24 deportable criminal aliens from fleeing prior to or during their removal proceedings, thus increasing the
25 chance that, if ordered removed, the aliens will be successfully removed.”). Even assuming Petitioner’s
26 detention is discretionary, which Respondents dispute, it remains lawful. Accordingly, if relief is
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1 granted, the remedy should be the process permitted under 8 U.S.C. § 1226(a), an ordinary bond hearing
2 where Petitioner will have the burden to show that he is not a danger to the community or a flight risk.
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4 Dated: July 27, 2026

Respectfully submitted,

6 ERIC GRANT
United States Attorney

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8 By: /s/ Sean Davis
9 SEAN DAVIS
10 Special Assistant United States Attorney
Attorneys for Respondents
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