

1 TIMOTHY COURCHAIINE
2 United States Attorney
District of Arizona
3 LINDSEY E. GILMAN
4 Assistant U.S. Attorney
Arizona State Bar No. 034003
5 Two Renaissance Square
40 North Central Avenue, Suite 1800
6 Phoenix, Arizona 85004-4449
7 Telephone: (602) 514-7500
Facsimile: (602) 514-7760
8 Email: Lindsey.Gilman@usdoj.gov
9 *Attorneys for the Respondent*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE DISTRICT OF ARIZONA**

12 Alexksandr Kniazev,

13 Petitioner,

14 v.

15 Kristopher Kline,

16 Respondent.

CV-25-02036-PHX-SPL (JZB)

RESPONSE TO THIS COURT'S
ORDER DATED JULY 8, 2025, DOC.
11.

17
18 Respondent Kristopher Kline hereby responds to the Court's Order dated July 8,
19 2025, Doc. 11.

20 1. When did the Government learn of Judge Snow's June 6, 2025 Order in *Togoev*?

21 The Government learned of the Order in *Togoev* on Friday, June 6, 2025.

22 2. How did the Government learn of that order?

23 The Order was emailed to Civil Chief Katherine Branch and to Deputy Civil Chief
24 Bill Solomon at 3:03 p.m. on June 6 via delivery through ECF. However, Ms. Branch was
25 on annual leave beginning at 1:00 p.m. on June 6. Mr. Solomon left the United States
26 Attorney's Office in April. Ms. Branch did not see the ECF notice until late in the evening,
27 after the Order had been disseminated by AUSA Theo Nickerson as described below.

28 Counsel for Mr. Togoev, Nathaniel Nicoll, reached out to AUSA Theo Nickerson

1 at 4:03 p.m. on June 6, 2025. Mr. Nicholl had worked with Ms. Nickerson on a similar
2 matter in the past. He asked her to forward a copy of the TRO and stay Order to the AUSA
3 handling the matter. At 4:13 p.m., because Civil Chief Kate Branch was out of the office,
4 AUSA Theo Nickerson forwarded the information to a group email box within U.S.
5 Immigration and Customs Enforcement (ICE) and an officer with ICE Enforcement and
6 Removal Operations (ERO) who were the designated contacts for TROs enjoining
7 removal. She also cc'd Ms. Branch.

8 3. Who learned of that Order?

9 Please see response to Question 2.

10 4. What steps were taken (by anyone aware of the Order) to ensure other
11 agencies were notified of the Order.

12 On June 6, 2025, at 4:13pm, Ms. Nickerson forwarded the information to a group
13 email box within ICE regarding the stay in effect and provided the Order. At 5:02 p.m.
14 ICE-Office of Principal Legal Advisor (OPLA) confirmed receipt of the Order issued in
15 *Togoev*.

16 On Monday, June 9, 2025, the *Togoev* matter was assigned to undersigned counsel
17 who then emailed the Order in *Togoev* to attorneys at the Department of Homeland Security
18 (DHS) Office of General Counsel in Washington, DC, and ICE OLPA in Washington, DC.

19 5. What steps were taken to ensure compliance with the Order?

20 The U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs
21 Enforcement (ICE), Enforcement and Removal Operations (ERO) were advised of the
22 *Togoev* Order on June 9, 2025. Doc. 10 at Exhibit A, ¶ 15. Kniazev had departed the
23 Florence Service Processing Center (SPC) in Arizona on June 10, 2025, and began
24 traveling to the Prairieland Detention Center in Alvarado, Texas that day. *Id.* at ¶ 17.
25 USCIS and U.S. Customs and Border Protection (CBP) also issued interim guidance
26 regarding the *Toogev* TRO and 212(f) processing on June 10, 2025.

27 On June 11, 2025, the Phoenix ERO Field Office issued interim guidance to its
28 Phoenix staff to not remove aliens in the Area of Responsibility who were subject to

1 removal pursuant to section 212(f) pending further guidance. *Id.* at ¶ 16. Kniazev was not
2 in the “Area of Responsibility” on June 11, 2025, as he had arrived at the Prairieland
3 Detention Center in Alvarado, Texas at 0500 hours that day. *Id.* at ¶ 18.

4 6. How is Mr. Kniazev’s removal not a violation of Judge Snow’s June 6, 2025
5 Order?

6 The relevant language of the Order for purposes of this response reads as follows:
7 “[T]he United States is temporarily restrained from depriving those who have claimed
8 asylum of their statutory and regulatory rights associated with asylum, such as the right to
9 a credible fear determination and an immigration judge’s review under 8 C.F.R. § 208.30
10 and 8 U.S.C. § 1225(b)(1)(B)(iii)(III) for the next 14 days throughout the jurisdiction of
11 the United States District Court for the District of Arizona.” *Togoev v. United States*
12 *Attorney General*, No. CV-25-01960, Doc. 5 at 5:8-14.

13 Under Fed. R. Civ. P. 65(d)(1)(B)-(C), an order granting an injunction and entering
14 a restraining order must state its terms specifically and describe in reasonable detail the
15 acts restrained or required not by referring to the complaint or other document. An
16 underlying principle embodying Rule 65 is that those against whom an injunction is issued
17 “should receive fair and precisely drawn notice of what an injunction actually prohibits.”
18 *Fortune v. Am. Multi-Cinema, Inc.*, 364 F.3d 1075, 1086–87 (9th Cir. 2004) (quoting
19 *Union Pac. R.R. v. Mower*, 219 F.3d 1069, 1077 (9th Cir. 2000)).

20 The *Togoev* Order did not explicitly restrain the removal of aliens who had
21 previously claimed asylum in different jurisdictions or require DHS to review the removal
22 orders and proceedings of every individual with a final expedited order of removal who
23 was being removed during the 14-day period. The Government fairly interpreted the
24 *Togoev* Order and the Court’s intent as requiring the Government to give individuals
25 entering the District of Arizona on or after June 6 and requesting asylum, with a credible
26 fear interview with review by an Immigration Judge. The Government viewed the Order
27 as prospective, not retrospective, and did not understand Order requiring it to reopen
28 proceeding for aliens previously ordered removed or enjoining the removal of all aliens

1 who had previously claimed asylum and were subject to a final expedited removal order,
2 such as Mr. Kniazev who had already received a final expedited removal order months
3 before Judge Snow issued the temporary restraining Order on June 6, 2025.

4 Respectfully submitted on July 14, 2025.

5 TIMOTHY COURCHaine
6 United States Attorney
7 District of Arizona

8 /s/ Lindsey E. Gilman
9 LINDSEY E. GILMAN
10 Assistant United States Attorney
11 *Attorneys for the Respondent*
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

1 I hereby certify that on July 14, 2025, I electronically transmitted the attached
2 document to the Clerk's Office using the CM/ECF System for filing and mailed the
3 attached to the following individuals who are not registered participants of the CM/ECF
4 System:

5 Alexksandr Kniazev

6 # Florence-Az-Ins-Spc Florence Service
7 Processing Center 3250 N Pinal Pkwy.
8 Florence, AZ 85132

9 s/Allison Tambs
10 United States Attorney's Office
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28