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9
10 **UNITED STATES DISTRICT COURT**
11
12 **EASTERN DISTRICT OF CALIFORNIA**
13

14 ANASTASIYA UZZHINA,

15 Petitioner-Plaintiff,

16 v.

17 CHRISTOPHER CHESTNUT, Warden of
18 California City Detention Center;

19 SERGIO ALBARRAN, Acting Director, San
20 Francisco Field Office, U.S. Immigration and
21 Customs Enforcement;

22 TODD LYONS, Acting Director, U.S.
23 Immigration and Customs Enforcement;

24 KRISTI NOEM, Secretary of the U.S.
25 Department of Homeland Security,

26 PAM BONDI, Attorney General of the United
27 States,

28 Respondents-Defendants.

No.

**PETITION FOR WRIT OF HABEAS
CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

INTRODUCTION

1. Petitioner-Plaintiff, Anastasiya Uzzhina (“Petitioner” or “Ms. Uzzhina”), by and through her undersigned counsel, hereby files this petition for writ of habeas corpus and complaint for declaratory and injunctive relief to compel her immediate release from the immigration detention center where she has been held by Immigration and Customs Enforcement (“ICE”) since being unlawfully detained on November 14, 2025, without at any point having been provided a due process hearing to determine whether her detention is justified. As a stateless individual who has lived in the United States since 2003, and who has been reporting to ICE on a weekly, then monthly, then yearly, basis since her Order of Supervision by ICE was issued nearly thirteen years ago, she is not subject to removal to Russia or Kazakhstan, as neither country recognizes her as a citizen nor issue a passport to her. Thus, Ms. Uzzhina’s detention is both unconstitutional because it is indefinite, and illegal because she was not provided any pre-deprivation hearing before her recent detention by ICE.

2. Ms. Uzzhina has also never been ordered removed to any third country or notified of such potential removal. Given the Supreme Court of the United States’ decision in *U.S. Department of Homeland Security, et al. v. D.V.D., et al.*, No. 24A1153, 2025 WL 1732103 (June 23, 2025), which stayed the nationwide injunction that had precluded Respondents from removing noncitizens to third countries without notice and an opportunity to seek fear-based relief, ICE appears emboldened and intent to implement its campaign to send noncitizens to far corners of the planet—places they have absolutely no connection to whatsoever¹—in violation of

¹ CBS News, “Politics Supreme Court lets Trump administration resume deportations to third countries without notice for now” (June 24, 2025), available at: <https://www.cbsnews.com/news/supreme-court-lifts-lower-court-order-blocking-deportations-to-third-countries-without-notice/>.

1 clear statutory obligations set forth in the Immigration and Nationality Act ("INA"), binding
2 treaty, and due process. In the absence of a nationwide injunction, individual lawsuits like this
3 one are the only method to challenge the illegal third-country removals.

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5 3. Ms. Uzzhina requests that this Court grant her a writ of habeas corpus, ordering
6 Respondents-Defendants to immediately release her from custody, and order that Ms. Uzzhina
7 cannot be removed to any third country without first being provided constitutionally-compliant
8 procedures.

9 CUSTODY

10 4. Petitioner is currently detained by ICE at the California City Detention Facility in
11 California City, California, where she was transferred after being arrested by ICE officers at her
12 home in Sacramento County. Prior to and since being arrested by ICE, Petitioner has not been
13 provided with a constitutionally compliant hearing to assess whether her detention is warranted.
14

15 JURISDICTION

16 5. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas
17 corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§
18 2201–02 (Declaratory Judgment Act, and article I, § 9, cl. 2 of the United States Constitution
19 (the Suspension Clause), as Ms. Uzzhina is presently in custody under the authority of the
20 United States and challenges her detention as in violation of the Constitution, laws, or treaties
21 of the United States.
22

23 VENUE

24 6. Venue is properly before this Court pursuant to 28 U.S.C. § 1391(e) because the
25 Respondents-Defendants are employees or officers of the United States, acting in their official
26 capacity; because a substantial part of the events or omissions giving rise to the claim occurred
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1 in the Eastern District of California; and because Ms. Uzzhina is in custody at the California
2 City Detention Facility, which is under the jurisdiction of this Court.

3 **REQUIREMENTS OF 28 U.S.C. § 2243**

4 7. The Court must grant the petition for writ of habeas corpus or issue an order to show
5 cause (“OSC”) to Respondents-Defendants “forthwith,” unless the petitioner is not entitled to
6 relief. 28 U.S.C. § 2243. If an order to show is issued, the Court must require Respondents-
7 Defendants to file a return “within *three* days unless for good cause additional time, not
8 exceeding twenty days, is allowed.” *Id.* (emphasis added).

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10 8. Courts have long recognized the significance of the habeas statute in protecting
11 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most
12 important writ known to the constitutional law of England, affording as it does a swift and
13 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391,
14 400 (1963).

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16 **EXHAUSTION**

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18 9. For habeas claims, exhaustion of administrative remedies is prudential, not
19 jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive
20 the prudential exhaustion requirement if “administrative remedies are inadequate or not
21 efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will
22 result, or the administrative proceedings would be void.” *Id.* (quoting *Laing v. Ashcroft*, 370
23 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks omitted)). Petitioner-Plaintiff
24 asserts that exhaustion is satisfied as there is no administrative jurisdiction over this detention
25 status because she already has a final order of removal.
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1 10. No statutory exhaustion requirements apply to Ms. Uzzhina's claim of unlawful
2 custody
3 in violation of her due process rights, and there are no administrative remedies that she needs
4 to exhaust. *See Am.-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir.
5 1995) (finding exhaustion to be a "futile exercise because the agency does not have jurisdiction
6 to review" constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098, 1099 (C.D.
7 Cal. 2000) (same).

9 **PARTIES**

10 11. Petitioner-Plaintiff, Ms. Uzzhina, is a stateless individual who has lived in the
11 United States since 2003. On January 24, 2000, she was ordered removed by an Immigration
12 Judge to Russia and, in the alternative, Kazakhstan. Since neither country recognizes her as a
13 citizen, nor will issue a passport to her, Ms. Uzzhina is a stateless person without a travel
14 document. Despite her cooperation in attempting to obtain travel documents, Ms. Uzzhina has
15 not been successful. Accordingly, ICE issued a Form I-220B (Order of Supervision ("OSUP"))
16 to her on June 14, 2012, with which she has been compliant for the last thirteen years. On
17 November 14, 2024, one month after Ms. Uzzhina pled no contest to a misdemeanor violation of
18 Cal. Vehicle Code § 23152(b), she was detained by ICE in her driveway. She is currently
19 detained at the California City Detention Facility.
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21 12. Respondent Christopher Chestnut is the warden at the California City Detention
22 Facility in California City, California, where Ms. Uzzhina is currently detained. He is thus Ms.
23 Uzzhina's immediate custodian. He is sued in his official capacity.
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25 13. Respondent Sergio Albarran is the Acting Director of ICE's San Francisco Field
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1 Office, Enforcement and Removal Operations, which is the ICE Field Office with jurisdiction
2 and responsibility over the California City Detention Facility. Defendant Albarran is
3 responsible for ICE's policies, practices, and procedures, including those relating to the
4 detention and detention conditions of immigrants. Defendant Albarran is a legal custodian of
5 Ms. Uzzhina and is sued in his official capacity.
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7 14. Respondent-Defendant Todd M. Lyons is the Acting Director of ICE and is named
8 in his official capacity. As the Director of ICE, he is responsible for the administration and
9 enforcement of the immigration laws of the United States, including the removal of
10 noncitizens. In his official capacity, he is the legal custodian of Ms. Uzzhina.
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12 15. Respondent-Defendant Kristi Noem is the Secretary of the Department of Homeland
13 Security ("DHS") and is named in her official capacity. DHS is the federal agency
14 encompassing ICE, which is responsible for the administration and enforcement of the INA
15 and all other laws relating to the immigration of noncitizens. In her capacity as Secretary,
16 Respondent-Defendant Noem has responsibility for the administration and enforcement of the
17 immigration and naturalization laws pursuant to section 402 of the Homeland Security Act of
18 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a). In that
19 capacity and through her agents, Respondent-Defendant Noem has broad authority over, and
20 responsibility for, the operation and enforcement of the immigration laws and is legally
21 responsible for pursuing any effort to detain and remove Ms. Uzzhina. Respondent-Defendant
22 Noem is sued in her official capacity.
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24 16. Respondent-Defendant Pam Bondi is the Attorney General of the United States and
25 the most senior official at the Department of Justice and is named in her official capacity. In
26 that capacity and through her agents, she is responsible for overseeing the implementation and
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1 enforcement of the federal immigration laws. The Attorney General delegates this
2 responsibility to the Executive Office for Immigration Review, which administers the
3 immigration courts and the BIA.

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5 **STATEMENT OF FACTS**

6 17. Ms. Uzzhina was born in St. Petersburg, Russia, but moved to Kazakhstan as a child.
7 she entered the United States on a J-1 nonimmigrant visa on June 7, 2003 using a temporary
8 Russia passport. Her subsequently-filed application for asylum was referred to the San Francisco
9 Immigration Court with the issuance of a Notice to Appear, alleging that she is a “native of [the]
10 Soviet Union” and “a citizen of Russia.” On April 29, 2004, an Immigration Judge (“IJ”) ordered
11 her removed to Russia and, in the alternative, to Kazakhstan. The Board of Immigration Appeals
12 affirmed the IJ’s decision on August 9, 2005. The U.S. Court of Appeals for the Ninth Circuit
13 denied her petition for review on March 12, 2012. Ms. Uzzhina has a final order of removal.
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15 18. On May 8, 2008, Ms. Uzzhina married her U.S. citizen spouse, who filed a Form I-
16 130, Petition for Alien Relative on her behalf; that petition was approved on May 8, 2009.
17 Although Ms. Uzzhina has filed two motions to reopen and implored ICE multiple times to join
18 her in a motion to reopen her removal proceedings to allow her to adjust her status to that of a
19 lawful permanent resident based on her approved petition, those attempts have not been fruitful.
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21 19. On June 14, 2012, Ms. Uzzhina self-surrendered herself to ICE for removal. According
22 to ICE’s internal document (Form I-213), Ms. Uzzhina “has made efforts to obtain a Russian and
23 Kazakhstan travel document or passport.” See Exh. XX (Form I-213) at 2. She “provided letters
24 from Consulate of Russia and Kazakhstan stating neither country recognizes her as a citizen.” *Id.*
25 *See also* Exh. XX (Letters from Russian Consulate); (Letter from Kazakh Consulate). Ms.
26 Uzzhina was placed on an Order of Supervision, and ICE noted that “[f]urther followup will be
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1 made with the Russian or Kazakstan [sic] Governments if appropriate in order to obtain a travel
2 document for removal.” Id.

3 20. For the last thirteen years, Ms. Uzzhina has been living her life in the U.S., checking
4 in with ICE weekly, then monthly, and then yearly. Her last check in was in about May 2025.

5 21. On about October 7, 2025 Ms. Uzzhina pled no contest to a misdemeanor violation
6 of Cal. Vehicle Code § 23152(b). Because this was her first offense ever, Ms. Uzzhina served
7 four days of home detention, paid fines, and is currently on three years of informal probation.
8

9 22. On November 14, 2025, ICE agents approached Ms. Uzzhina in her driveway and
10 detained her. They provided her with a Revocation of Release which stated:

11 ICE determined you can be expeditiously removed from the United States
12 pursuant to the outstanding order of removal against you issued to you by an
13 immigration judge on or about April 29, 2004. You are advised that ICE has
14 determined that you have violated conditions of your release that were listed in
15 the Order of Supervision you were issued at the time of your release from ICE
custody. On October 20, 2025, you were convicted in the California Superior
Court, County of Sacramento, for the offense of driving under the influence in
violation of Section 23152(B) of the California Vehicle Code.

16 See Exh. XX (Revocation of Release).

17 23. In ICE’s custody, Ms. Uzzhina had a very brief informal interview with a deportation
18 officer, who noted:

19 On 11/14/25, I conducted an initial informal interview of the detainee listed above
20 in order to afford the alien an opportunity to respond to the reasons for revocation
21 of his or her order of supervision stated in the notification letter. At the interview,
the alien made the following oral response regarding the reasons for revocation:

22 Subject claims that the Embassy of Russia has already denied a travel
document on several occasions [sic].

23 See Exh. XX (Informal Interview). At the bottom of the page, the pre-typed statement does not
24 indicate whether Ms. Uzzhina provided a written statement or documents; indeed, none of the
25 options are circled on the page:
26

27 The detainee [did] [did not] provide a written statement. The detainee [did] [did
28 not] provide any documents. Any documents provided are attached.

1 24. On Sunday, November 16, 2025, undersigned counsel entered her appearance as counsel
2 via the ICE Enforcement and Removal Operations online system.² Since then, she has been
3 trying to speak to someone at ICE about her client; specifically, to inform them that Ms.
4 Uzzhina is represented and to clarify to which country ICE had “determined [that she] can be
5 expeditiously removed from the United States.” After making unanswered phone calls all day
6 Monday, on Tuesday, November 18, 2025, undersigned counsel sent another email to the ICE
7 San Francisco Field Office and Bakersfield Sub-Office, notifying them that she was counsel for
8 Ms. Uzzhina and had been unsuccessful in her multiple attempts to reach anyone at ICE by
9 phone or email since Sunday. She also notified them that Ms. Uzzhina’s medications had been
10 misplaced and she desperately needed them [REDACTED]
11 [REDACTED] Ten minutes later, counsel received a response from
12 the ICE Bakersfield Sub-Office acknowledging her last email and noting that ICE was “looking
13 into the below information.” To date, counsel has not received a further response and Ms.
14 Uzzhina has not received her medications.

15 25. Without her medications, Ms. Uzzhina is suffering – “spiraling” as described by her
16 spouse.

17 26. Upon information and belief, at the time ICE issued a Revocation of Release to Ms.
18 Uzzhina, the agency had not secured travel documents necessary for removal from the United
19 States.

20 27. Based on current ICE practices, Ms. Uzzhina is also at risk of being unlawfully removed
21 to a third country without constitutionally adequate notice and a meaningful opportunity to
22 apply for protection under the Convention Against Torture, in violation of the INA, binding

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27 ² <https://www.ice.gov/eroefile>
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1 international treaty, and due process. Currently, DHS has a policy of removing or seeking to
2 remove individuals to third countries without first providing adequate notice of third country
3 removal, or any meaningful opportunity to contest that removal if the individual has a fear of
4 persecution or torture in that country. *See* LB Decl. at Exh. A (DHS Policy Regarding Third
5 Country Removal). To date, ICE has not notified Ms. Uzzhina nor her counsel to which country
6 ICE had “determined [that she] can be expeditiously removed from the United States.”
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8 LEGAL BACKGROUND

9 **Right to a Hearing Prior to Re-incarceration**

10 28. Following a final order of removal, ICE is directed by statute to detain an individual for
11 ninety (90) days in order to effectuate removal. 8 U.S.C. § 1231(a)(2). This 90-day period, also
12 known as “the removal period,” generally commences as soon as a removal order becomes
13 administratively final. 8 U.S.C. §§ 1231(a)(1)(A) & (B).
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15 29. If ICE fails to remove an individual during the ninety (90) day removal period, the
16 law requires ICE to release the individual under conditions of supervision, including periodic
17 reporting. 8 U.S.C. § 1231(a)(3) (“If the alien . . . is not removed within the removal period,
18 the alien, pending removal, shall be subject to supervision.”). Limited exceptions to this rule
19 exist. Specifically, ICE “may” detain an individual beyond ninety days if the individual was
20 ordered removed on criminal grounds or is determined to pose a danger or flight risk. 8 U.S.C.
21 § 1231(a)(6). However, ICE’s authority to detain an individual beyond the removal period
22 under such circumstances is not boundless. Rather, it is constrained by the constitutional
23 requirement that detention “bear a reasonable relationship to the purpose for which the
24 individual [was] committed.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Because the
25 principal purpose of the post-final-order detention statute is to effectuate removal, detention
26 bears no reasonable relation to its purpose if removal cannot be effectuated. *Id.* at 697.
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1 30. Post-final order detention is only authorized for a “period reasonably necessary
2 to secure removal,” a period that the Court determined to be presumptively six months. *Id.* at
3 699-701. After this six (6) month period, if a detainee provides “good reason” to believe that
4 her removal is not significantly likely in the reasonably foreseeable future, “the Government
5 must respond with evidence sufficient to rebut that showing.” *Id.* at 701. If the government
6 cannot do so, the individual must be released. That said, detainees are entitled to release even
7 before six months of detention, as long as removal is not reasonably foreseeable. *See* 8 C.F.R.
8 § 241.13(b)(1) (authorizing release after ninety days where removal not reasonably
9 foreseeable). Moreover, as the period of post-final-order detention grows, what counts as
10 “reasonably foreseeable” must conversely shrink. *Zadvydas* at 701.

12 31. Even where detention meets the *Zadvydas* standard for reasonable foreseeability,
13 detention violates the Due Process Clause unless it is “reasonably related” to the government’s
14 purpose, which is to prevent danger or flight risk. *See Zadvydas*, 533 U.S. at 700 (“[I]f removal
15 is reasonably foreseeable, the habeas court should consider the risk of the alien’s committing
16 further crimes as a factor potentially justifying confinement within that reasonable removal
17 period”) (emphasis added); *Id.* at 699 (purpose of detention is “assuring the alien’s presence at
18 the moment of removal”); *Id.* at 690-91 (discussing twin justifications of detention as
19 preventing flight and protecting the community). Thus, Ms. Uzzhina must be released from
20 custody because she does not pose a danger or flight risk that warrants post-final-order
21 detention, regardless of whether her removal can be effectuated within a reasonable period of
22 time.³

25 32. The government’s own regulations contemplate this requirement. They dictate
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27 ³ While Ms. Uzzhina acknowledges the seriousness of her conviction, it does not automatically
28 make her a danger or flight risk per se.

1 that even after ICE determines that removal is reasonably foreseeable – and that detention
2 therefore does not per se exceed statutory authority – the government must still determine
3 whether continued detention is warranted based on flight risk or danger. *See* 8 C.F.R. §
4 241.13(g)(2) (providing that where removal is reasonably foreseeable, “detention will continue
5 to be governed under the established standards” in 8 C.F.R. § 241.4).

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7 33. The regulations at 8 C.F.R. § 241.4 set forth the custody review process that
8 existed even before *Zadvydas*. This mandated process, known as the post-order custody review,
9 requires ICE to conduct “90-day custody reviews” prior to expiration of the ninety-day
10 removal period and to consider release of individuals who pose no danger or flight risk. 8
11 C.F.R. § 241.4(e)-(f). Among the factors to be considered in these custody reviews are “ties to
12 the United States such as the number of close relatives residing here lawfully”; whether the
13 noncitizen “is a significant flight risk”; and “any other information that is probative of
14 whether” the noncitizen is likely to “adjust to life in a community,” “engage in future acts of
15 violence,” “engage in future criminal activity,” pose a danger to themselves or others, or
16 “violate the conditions of his or her release from immigration custody pending removal from
17 the United States.” *Id.* 51. Individuals with final orders who are released after a post-order
18 custody review are subject to Forms I-220B, OSUP. 8 C.F.R. § 241.4(j). After an individual
19 has been released on an OSUP, as Ms. Uzzhina, ICE cannot revoke such an order without
20 cause or adequate legal process. 8 C.F.R. § 241.13(i)(2)-(3).

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23 **Ms. Uzzhina’s Protected Liberty Interest in Her Release**

24 34. Ms. Uzzhina’s liberty from immigration custody is protected by the Due Process
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1 Clause: “Freedom from imprisonment – government custody, detention, or other forms of
2 physical restraint – lies at the heart of the liberty that [the Due Process] Clause protects.”

3 *Zadvydas, supra*, 533 U.S. at 690.

4 35. For more than thirteen years, Ms. Uzzhina has exercised that freedom under her OSUP.
5 She thus retains a weighty liberty interest under the Due Process Clause of the Fifth
6 Amendment in avoiding re-incarceration. *See Young v. Harper*, 520 U.S. 143, 146-47 (1997);
7 *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482-
8 483 (1972). Moreover, the Supreme Court has recognized that post-removal order detention is
9 potentially indefinite and thus unconstitutional without some limitation. *Zadvydas*, 533 U.S. at
10 701. In this case, in the absence of actually obtaining a travel document from a country that
11 will accept Ms. Uzzhina, her removal is not foreseeable at all, let alone reasonably. *See Hoac*
12 *v. Becerra*, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025) (“Respondents have not
13 provided any details about why a travel document could not be obtained in the past, nor have
14 they attempted to show why obtaining a travel document is more likely this time around.”); *Liu*
15 *v. Carter*, 2025 WL 1696526, at *2 (D. Kan. June 17, 2025) (finding that the respondents had
16 not shown that removal was reasonably foreseeable where they did not provide evidence why
17 seeking travel documentation was more likely to be successful this time around or describe
18 other actions taken to make the petitioner’s removal more likely). Therefore, re-detention is
19 unconstitutional.
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23 36. In *Morrissey*, the Supreme Court examined the “nature of the interest” that a parolee
24 has in “his continued liberty.” 408 U.S. at 481-82. The Court noted that, “subject to the
25 conditions of his parole, [a parolee] can be gainfully employed and is free to be with family
26 and friends and to form the other enduring attachments of normal life.” *Id.* at 482. The Court
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1 further noted that “the parolee has relied on at least an implicit promise that parole will be
2 revoked only if he fails to live up to the parole conditions.” *Id.* The Court explained that “the
3 liberty of a parolee, although indeterminate, includes many of the core values of unqualified
4 liberty and its termination inflicts a grievous loss on the parolee and often others.” *Id.* In turn,
5 “[b]y whatever name, the liberty is valuable and must be seen within the protection of the
6 [Fifth] Amendment.” *Morrissey*, 408 U.S. at 482.

8 37. This basic principle – individuals have a liberty interest in their release – has been
9 reinforced by both the Supreme Court and the circuit courts on numerous occasions. *See, e.g.,*
10 *Young, supra*, 520 U.S. at 152 (holding that individuals placed in a pre-parole program created
11 to reduce prison overcrowding have a protected liberty interest requiring pre-deprivation
12 process); *Gagnon, supra*, 411 U.S. at 781-82 (holding that individuals released on felony
13 probation have a protected liberty interest requiring pre-deprivation process). As the First
14 Circuit has explained, when analyzing the issue of whether a specific conditional release rises
15 to the level of a protected liberty interest, “[c]ourts have resolved the issue by comparing the
16 specific conditional release in the case before them with the liberty interest in parole as
17 characterized by *Morrissey*.” *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010)
18 (internal quotation marks and citation omitted). *See also, e.g., Hurd v. District of Columbia*,
19 864 F.3d 671, 683 (D.C. Cir. 2017) (“a person who is in fact free of physical confinement—
20 even if that freedom is lawfully revocable—has a liberty interest that entitles him to
21 constitutional due process before he is re-incarcerated”) (citing *Young*, 520 U.S. at 152,
22 *Gagnon*, 411 U.S. at 782, and *Morrissey*, 408 U.S. at 482).

25 38. Here, when this Court “compar[es] the specific conditional release in [Ms.
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Uzzhina’s case], with the liberty interest in parole as characterized by *Morrissey*,” it is clear that they are strikingly similar. See *Gonzalez-Fuentes*, 607 F.3d at 887. Just as in *Morrissey*, Ms. Uzzhina’s release “enables [her] to do a wide range of things open to persons” who have never been in custody, including to live at home, work with her community, and “be with family and friends and to form the other enduring attachments of normal life.” *Morrissey*, 408 U.S. at 482.

39. Since her release on an OSUP, Ms. Uzzhina has been focused on living her life with her husband, taking care of her health, and exceling in her employment.

Ms. Uzzhina’s Liberty Interest Mandates a Due Process Hearing Before any Detention

40. Ms. Uzzhina asserts that, here, (1) where her detention is civil, (2) where she has been at liberty for more thirteen years, during which time she has complied with all conditions of release – until she suffered a conviction in October 2025, (3) where she has diligently complied with ICE’s reporting requirements on a regular basis, (4) where no change in circumstances exist that would justify his detention, and (5) where the only circumstance that has changed is not related to Ms. Uzzhina, but is ICE’s move to arrest as many people as possible because of the new administration, due process mandates that she receive notice and a hearing before a neutral adjudicator *prior* to any arrest or detention. Several federal district courts have already ordered similar relief. See *Rodriguez Diaz v. Kaiser, et al* 2025 WL 1676854 (N.D. Cal. June 14, 2025)), *Yan-Ling x. v. Lyons*, 2025 WL 3123793 (E.D. Cal. Nov. 7, 2025); *Yang v. Kaiser*, 2025 WL 2791778 (E.D. Cal. Aug. 20, 2025); *Phan v. Beccerra*, 2025 WL 1993735 (E.D. Cal. July 16, 2025); *Hoac v. Beccerra*, 2025 WL 1993771 (E.D. Cal. July 16, 2025).

41. “Adequate, or due, process depends upon the nature of the interest affected. The

1 more important the interest and the greater the effect of its impairment, the greater the
2 procedural safeguards the [government] must provide to satisfy due process.” *Haygood v.*
3 *Younger*, 769 F.2d 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-
4 82). This Court must “balance [Ms. Uzzhina’s] liberty interest against the [government’s]
5 interest in the efficient administration of” its immigration laws in order to determine what
6 process she is owed to ensure that ICE does not unconstitutionally deprive her of her liberty.
7 *Id.* at 1357. Under the test set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), this
8 Court must consider three factors in conducting its balancing test: “first, the private interest
9 that will be affected by the official action; second, the risk of an erroneous deprivation of such
10 interest through the procedures used, and the probative value, if any, of additional or substitute
11 procedural safeguards; and finally the government’s interest, including the function involved
12 and the fiscal and administrative burdens that the additional or substitute procedural
13 requirements would entail.” *Haygood*, 769 F.2d at 1357 (citing *Mathews*, 424 U.S. at 335).

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16 42. The Supreme Court “usually has held that the Constitution requires some kind of a
17 hearing *before* the State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S.
18 113, 127 (1990) (emphasis in original). Only in a “special case” where post-deprivation
19 remedies are “the only remedies the State could be expected to provide” can post-deprivation
20 process satisfy the requirements of due process. *Zinerman*, 494 U.S. at 985. Moreover, only
21 where “one of the variables in the *Mathews* equation – the value of predeprivation safeguards –
22 is negligible in preventing the kind of deprivation at issue” such that “the State cannot be
23 required constitutionally to do the impossible by providing predeprivation process,” can the
24 government avoid providing pre-deprivation process. *Id.*

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26 43. Because, in this case, the provision of a pre-deprivation hearing is both possible and
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1 valuable to preventing an erroneous deprivation of liberty, ICE was required to provide Ms.
2 Uzzhina with notice and a hearing prior to any incarceration and revocation of her OSUP. *See*
3 *Morrissey*, 408 U.S. at 481-82; *Haygood*, 769 F.2d at 1355-56; *Jones*, 393 F.3d at 932;
4 *Zinerman*, 494 U.S. at 985; *see also Youngberg v. Romeo*, 457 U.S. 307, 321-24 (1982); *Lynch*
5 *v. Baxley*, 744 F.2d 1452 (11th Cir. 1984) (holding that individuals awaiting involuntary civil
6 commitment proceedings may not constitutionally be held in jail pending the determination as
7 to whether they can ultimately be recommitted). Under *Mathews*, “the balance weighs heavily
8 in favor of [Ms. Uzzhina’s] liberty” and requires a pre-deprivation hearing before a neutral
9 adjudicator.
10

11 **Ms. Uzzhina’s Private Interest in Her Liberty is Profound**

12 44. Under *Morrissey* and its progeny, individuals conditionally released from serving
13 criminal sentences have a liberty interest that is “valuable.” *Morrissey*, 408 U.S. at 482. In
14 addition, the principles espoused in *Hurd* and *Johnson* – that a person who is in fact free of
15 physical confinement, even if that freedom is lawfully revocable, has a liberty interest that
16 entitles him to constitutional due process before he is re-incarcerated – apply with even greater
17 force to individuals like Ms. Uzzhina, who have also been after released on an OSUP in lieu of
18 ICE custody. Even in the criminal parolee context, the courts have held that the parolee cannot
19 be re-arrested without a due process hearing in which they can raise any claims they may have
20 regarding why their re-incarceration would be unlawful. *See Gonzalez-Fuentes*, 607 F.3d 864
21 at 891-892; *Hurd*, 864 F.3d at 683. Thus, Ms. Uzzhina retains a truly weighty liberty interest
22 even though she is under conditional release. What is at stake in this case for Ms. Uzzhina is
23 one of the most profound individual interests recognized by our legal system: whether ICE
24 may unilaterally nullify a prior release decision and be able to take away her physical freedom,
25 i.e., his “constitutionally protected interest in avoiding physical restraint.” *Singh v. Holder*, 638
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1 F.3d 1196, 1203 (9th Cir. 2011) (internal quotation omitted). “Freedom from bodily restraint
2 has always been at the core of the liberty protected by the Due Process Clause.” *Foucha*,
3 *supra*, 504 U.S. at 80. *See also Zadvydas*, 533 U.S. at 690 (“Freedom from imprisonment –
4 from government custody, detention, or other forms of physical restraint – lies at the heart of
5 the liberty that [the Due Process] Clause protects.”); *Cooper v. Oklahoma*, 517 U.S. 348
6 (1996).

8 45. Thus, it is clear that there is a profound private interest at stake in this case, which
9 must be weighed heavily when determining what process he is owed under the Constitution.
10 *See Mathews*, 424 U.S. at 334-35.

11 **The Government’s Interest in Incarcerating Ms. Uzzhina Without a Hearing is Low and**
12 **the Burden on the Government to Release Her from Custody is Minimal**

13 46. The government’s interest in keeping Ms. Uzzhina in detention without a due process
14 hearing is low, and when weighed against Petitioner’s significant private interest in her liberty,
15 the scale tips sharply in favor of releasing Petitioner from custody unless and until the
16 government demonstrates that she is a flight risk or danger to the community. Providing Ms.
17 Uzzhina with a hearing before this Court (or a neutral adjudicator) to determine whether there is
18 evidence that she is a flight risk or danger to the community would impose only a *de minimis*
19 burden on the government, because the government routinely conducts these reviews for
20 individuals in Petitioner’s same circumstances. 8 C.F.R. §§ 241.4(e)-(f).

22 47. As immigration detention is civil, it can have no punitive purpose. The government’s
23 only interests in holding an individual in immigration detention can be to prevent danger to the
24 community or to ensure a noncitizen’s appearance at immigration proceedings. *See Zadvydas*,
25 533 U.S. at 690. Indeed, Ms. Uzzhina has already been sentenced by the criminal court for her
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1 conviction and she is currently on informal probation. Moreover, the Supreme Court has made
2 clear that indefinite detention of noncitizens who cannot be removed to the country of the
3 removal order, is unconstitutional. In this case, the government cannot plausibly assert that it had
4 a sudden interest in detaining Ms. Uzzhina due to alleged dangerousness, or due to a change in
5 the foreseeability of her removal to Russia or Kazakhstan.
6

7 48. Ms. Uzzhina has continued to appear before ICE on an annual basis for each and every
8 appointment that has been scheduled. *See Morrissey*, 408 U.S. at 482 (“It is not sophistic to
9 attach greater importance to a person’s justifiable reliance in maintaining his conditional freedom
10 so long as he abides by the conditions on his release, than to his mere anticipation or hope of
11 freedom”) (quoting *United States ex rel. Bey v. Connecticut Board of Parole*, 443 F.3d 1079,
12 1086 (2d Cir. 1971).
13

14 **Without Release from Custody until the Government Provides a Due Process Hearing, the**
15 **Risk of an Erroneous Deprivation of Liberty is High**

16 49. Releasing Ms. Uzzhina from custody until she is provided a pre-deprivation hearing
17 would decrease the risk of her being erroneously deprived of her liberty. Before Ms. Uzzhina
18 can be lawfully detained, she must be provided with a hearing before a neutral decisionmaker, at
19 which the government is held to show that her detention will not be indefinite, or that the
20 circumstances have changed since her release in 2012 such that evidence exists to establish that
21 Ms. Uzzhina is a danger to the community or a flight risk.
22

23 50. Under the process that ICE maintains is lawful – which affords Ms. Uzzhina no process
24 whatsoever – ICE can simply re-detain her at any point if the agency desires to do so, as ICE
25 did on November 14, 2025. Ms. Uzzhina has already been erroneously deprived of her liberty
26 when she was placed on an OSUP thirteen years ago, and the risk she will continue to be
27 deprived is high if ICE is permitted to keep her in detention after making a unilateral decision to
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1 detain her. Pursuant to 8 C.F.R. § 241.4(l), revocation of release on an OSUP is at the discretion
2 of the Executive Associate Commissioner. Thus, the regulations permit ICE to unilaterally re-
3 detain individuals, even for an oversight of any kind. After re-arrest, ICE makes its own, one-
4 sided custody determination and can decide whether the agency wants to hold Ms. Uzzhina. 8
5 C.F.R. § 241.4(e)-(f). 74. By contrast, the procedure Ms. Uzzhina seeks – release from custody
6 and no further re-detention until she is provided a hearing in front of neutral decisionmaker at
7 which the government must show that her detention will not be indefinite, or otherwise that the
8 circumstances have changed since her release in 2012 to justify her detention – is much more
9 likely to produce accurate determinations regarding these factual disputes. *See Chalkboard, Inc.*
10 *v. Brandt*, 902 F.2d 1375, 1381 (9th Cir.1989) (when “delicate judgments depending on
11 credibility of witnesses and assessment of conditions not subject to measurement” are at issue,
12 the “risk of error is considerable when just determinations are made after hearing only one
13 side”). “A neutral judge is one of the most basic due process protections.” *Castro-Cortez v. INS*,
14 239 F.3d 1037, 1049 (9th Cir. 2001), abrogated on other grounds by *Fernandez-Vargas v.*
15 *Gonzales*, 548 U.S. 30 (2006). The Ninth Circuit has noted that the risk of an erroneous
16 deprivation of liberty under *Mathews* can be decreased where a neutral decisionmaker, rather
17 than ICE alone, makes custody determinations. *Diouf v. Napolitano* (“*Diouf II*”), 634 F.3d
18 1081, 1091-92 (9th Cir. 2011).

19 51. Due process also requires consideration of alternatives to detention at any custody
20 redetermination hearing that may occur. The primary purpose of immigration detention is to
21 ensure removal if reasonably foreseeable. *Zadvydas*, 533 U.S. at 697. Detention is not
22 reasonably related to this purpose if, as here, removal is not actually foreseeable. Accordingly,
23 alternatives to detention – including reinstating her OSUP – be considered in determining
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1 whether Ms. Uzzhina's re-incarceration is warranted.

2 **Right to Constitutionally Adequate Procedures Prior to Third Country Removal**

3 52. Under the INA, Respondents-Defendants have a clear and non-discretionary duty to
4 execute final orders of removal only to the designated countries of removal. The statute
5 explicitly states that a noncitizen "shall remove the [noncitizen] to the country the [noncitizen]
6 . . . designates." 8 U.S.C. § 1231(b)(2)(A)(ii). And even where a noncitizen does not designate
7 the country of removal, the statute further mandates that ICE "shall remove the alien to a
8 country of which the alien is a subject, national, or citizen. *See id.*; 8 U.S.C. § 1231(b)(2)(D);
9 *see also generally Jama v. ICE*, 543 U.S. 335, 341 (2005).

11 53. As the Supreme Court has explained, such language "generally indicates a
12 command that admits of no discretion on the part of the person instructed to carry out the
13 directive," *Nat'l Ass'n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 661 (2007)
14 (quoting *Ass'n of Civilian Technicians v. Fed. Labor Relations Auth.*, 22 F.3d 1150, 1153
15 (D.C. Cir. 1994)); *see also Black's Law Dictionary* (11th ed. 2019) ("Shall" means "[h]as a
16 duty to; more broadly, is required to This is the mandatory sense that drafters typically
17 intend and that courts typically uphold."); *United States v. Monsanto*, 491 U.S. 600, 607 (1989)
18 (finding that "shall" language in a statute was unambiguously mandatory). Accordingly, any
19 imminent third country removal fails to comport with the statutory obligations set forth by
20 Congress in the INA and is unlawful.

23 54. Moreover, prior to any third country removal, ICE must provide Ms. Uzzhina with
24 sufficient notice and an opportunity to respond and apply for fear-based relief as to that
25 country, in compliance with the INA, due process, and the binding international treaty: The
26 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or
27 Punishment. Currently, ICE has a policy of removing or seeking to remove individuals to third
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1 countries without first providing constitutionally adequate notice of third country removal, or
2 any meaningful opportunity to contest that removal if the individual has a fear of persecution
3 or torture in that country. Exh. A (DHS Policy Regarding Third Country Removal). This policy
4 clearly violates due process and the United States' obligations under the Convention Against
5 Torture.
6

7 55. The U.S. District Court for the District of Massachusetts previously issued a nationwide
8 preliminary injunction blocking such third country removals without notice and a meaningful
9 opportunity to apply for relief under the Convention Against Torture, in recognition that the
10 government's policy violates due process and the United States' obligations under the
11 Convention Against Torture. *D.V.D., et al. v. U.S. Department of Homeland Security, et al.*,
12 No. 25-10676-BEM (D. Mass. Apr. 18, 2025). The U.S. Supreme Court has since granted the
13 government's motion to stay the injunction on June 23, 2025, just before the Court published
14 *Trump v. Casa*, No. 24A884 (June 27, 2025) limiting nationwide injunctions. Thus, the
15 Supreme Court's order, which is not accompanied by an opinion, signals only disagreement
16 with nature, and not the substance, of the nationwide preliminary injunction.
17

18 56. It is clear that if Ms. Uzzhina were to be removed to any third country, it would violate
19 her
20 due process rights unless she is first provided with constitutionally adequate notice and a
21 meaningful opportunity to apply for protection under the Convention Against Torture. In the
22 absence of any other injunction, intervention by this Court is necessary to protect those rights.
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25 **FIRST CAUSE OF ACTION**
26 **Violation of the Fifth Amendment to the United States Constitution**
(Procedural Due Process—Re-Detention)

27 57. Ms. Uzzhina re-alleges and incorporates herein by reference, as is set forth fully herein,
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1 the allegations in all the preceding paragraphs.

2 58. The Due Process Clause of the Fifth Amendment forbids the government from depriving
3 any "person" of liberty "without due process of law." U.S. Const. amend. V.

4 59. Ms. Uzzhina was previously released by Respondents-Defendants because her removal
5 was
6 not reasonably foreseeable and she did not pose a danger or flight risk. As long as she complies
7 with the conditions of her release, Respondents-Defendants have authority to revoke release
8 only if circumstances have changed. 8 C.F.R. § 241.13(i)(2); 8 C.F.R. § 1231(a)(6).

10 60. Respondents' actions are arbitrary, capricious, an abuse of discretion, and contrary to
11 law. 5

12 U.S.C. § 706(a)(2)(A). The fact that a decision-making process involves discretion does not
13 prevent an individual from having a protectable liberty interest. *Young v. Harper*, 520 U.S. 143,
14 150 (1997); *Ortega-Rangel v. Sessions*, 313 F. Supp. 3d 993, 1001 (N.D. Cal 2018) (Corley, J.).
16 Just like people on pre-parole, parole, probation status, bail, or bond have a liberty interest, so
17 too does Petitioner have a liberty interest in remaining out of custody on an Order of
18 Supervision. *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 2019 WL 6251231 (N.D. Cal. 2019). She
19 should therefore be immediately released or, at a minimum, provided a full and fair hearing
20 before a neutral adjudicator, where the government bears the burden of showing that
21 circumstances have changed such that her removal is reasonably foreseeable, or otherwise
22 evidence of her dangerousness and flight risk. *Id.*

24 **SECOND CAUSE OF ACTION**

25 **Violation of the Fifth Amendment to the United States Constitution**
26 **(Procedural Due Process - Unconstitutionally Inadequate**
Procedures Regarding Third Country Removal)

27 61. Ms. Uzzhina re-alleges and incorporates herein by reference, as if set forth fully herein,
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1 the allegations in all the preceding paragraphs.

2 62. The Due Process Clause of the Fifth Amendment requires sufficient notice and an
3 opportunity to be heard prior to the deprivation of any protected rights. U.S. Const. amend. V;
4 *see also Louisiana Pacific Corp. v. Beazer Materials & Services, Inc.*, 842 F.Supp. 1243, 1252
5 (E.D. Cal. 1994) (“[D]ue process requires that government action falling within the clause's
6 mandate may only be taken where there is notice and an opportunity for hearing.”).

7
8 63. Ms. Uzzhina has a protected interest in her life. Thus, prior to any third country removal,
9 Ms. Uzzhina must be provided with constitutionally-compliant notice and an opportunity to
10 respond and contest that removal if she has a fear of persecution or torture in that country.

11 64. For these reasons, Ms. Uzzhina’s removal to any third country without adequate notice
12 and an opportunity to apply for relief under the Convention Against Torture would violate her
13 due process rights. The only remedy of this violation is for this Court to order that she not be
14 summarily removed to any third country unless and until she is provided constitutionally
15 adequate procedures.
16

17
18 **THIRD CAUSE OF ACTION**
19 **Violation of the INA and Applicable Regulations**

20 65. Ms. Uzzhina re-alleges and incorporates herein by reference, as is set forth fully herein,
21 the allegations in all the preceding paragraphs.

22 66. The INA provides for detention during the ninety (90) day “removal period” that begins
23 immediately after a noncitizen’s order of removal becomes final. 8 U.S.C. § 1231(a)(1). After
24 the 90-day removal period, the INA and its applicable regulations provide that detaining
25 noncitizens is generally permissible only upon notice to the noncitizen and after an
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1 individualized determination of dangerousness and flight risk. *See* 8 U.S.C. § 1231(a)(6); 8
2 C.F.R. §§ 241.4(d), (f), (h) & (k).

3 67. Respondent-Defendants are not permitted to detain Ms. Uzzhina on the basis of her prior
4 order of removal without any determination of whether circumstances have changed such that
5 her removal is reasonably foreseeable, and a determination of her danger and flight risk, by a
6 neutral adjudicator. This is especially true where, as here, Ms. Uzzhina received a determination
7 from the agency issuing her an OSUP that permitted her to remain out of custody in the first
8 place. 8 C.F.R. §§ 241.13(i)(2)-(3).

10 **FOURTH CAUSE OF ACTION**

11 **Procedural Due Process – Unconstitutionally Indefinite Detention**
12 **U.S. Const. amend. V**

13 68. Petitioner re-alleges and incorporates herein by reference, as if set forth fully herein, the
14 allegations in all the preceding paragraphs.

15 69. The Due Process Clause of the Fifth Amendment forbids the government from
16 depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V.

17 70. Other than as punishment for a crime, due process permits the government to take
18 away liberty only “in certain special and narrow nonpunitive circumstances ... where a special
19 justification ... outweighs the individual’s constitutionally protected interest in avoiding
20 physical restraint.” *Zadvydas*, 533 U.S. 678, 690. Such special justification exists only where a
21 restraint on liberty bears a “reasonable relation” to permissible purposes. *Jackson v. Indiana*,
22 406 U.S. 715, 738 (1972); *see also Foucha v. Louisiana*, 504 U.S. 71, 79 (1992). In the
23 immigration context, those purposes are “ensuring the appearance of [noncitizens] at future
24 immigration proceedings and preventing danger to the community.” *Zadvydas*, 533 U.S. at 690
25 (quotations omitted).
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1 71. Those substantive limitations on detention are closely intertwined with procedural
2 due process protections. *Foucha*, 504 U.S. 78-80. Noncitizens have a right to adequate
3 procedures to determine whether their detention in fact serves the purposes of ensuring their
4 appearance or protecting the community. *Id.* at 79; *Zadvydas*, 533 U.S. at 692; *Casas-*
5 *Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942, 949 (9th Cir. 2008). Where laws and
6 regulations fail to provide such procedures, the habeas court may assess whether the
7 noncitizen's immigration detention is reasonably related to the purposes of ensuring her
8 appearance or protecting the community, *Zadvydas*, 533 U.S. at 699, or require release.
9

10 72. Because Ms. Uzzhina's detention is unconstitutionally indefinite, it is unlawful.
11 Moreover, because Ms. Uzzhina faces detention without any meaningful determination of
12 whether circumstances have changed such that her removal is reasonably foreseeable, and
13 whether she poses a danger or flight risk, her detention violates due process.
14

15 73. Ms. Uzzhina's detention is unconstitutionally indefinite because she cannot be removed
16 to
17 Russia or Kazakhstan. Thus, her removal is not reasonably foreseeable in this case, and the
18 government has not provided her with notice, evidence, or an opportunity to be heard on this
19 issue before arbitrarily detaining her. Her continued detention without any reasonably
20 foreseeable end point is thus unconstitutionally prolonged in violation of clear Supreme Court
21 precedent. *Zadvydas*, 533 U.S. at 701.
22

23 74. Moreover, because Ms. Uzzhina poses no danger or flight risk, her detention was, and
24 is, not reasonably related to its purposes, and is unlawful. Moreover, because Ms. Uzzhina
25 faces detention without any meaningful determination of danger or flight risk, her detention
26 violates due process.
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1 75. Further, because she was not provided with a hearing prior to her detention, and her
2 continuing unlawful and constitutionally indefinite detention without adequate process is an
3 ongoing violation of her due process rights, the only remedy of this violation is her immediate
4 release from immigration detention, as well as a future hearing prior to any re-detention where
5 Respondents must prove that her detention is not unlawful.
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7 **FIFTH CAUSE OF ACTION**
8 **Procedural Due Process – Unconstitutionally Inadequate Procedures**
9 **Regarding Third Country Removal**
10 **U.S. Const. amend. V**

11 76. Petitioner re-alleges and incorporates herein by reference, as if set forth fully herein, the
12 allegations in all the preceding paragraphs.

13 77. The Due Process Clause of the Fifth Amendment requires sufficient notice and an
14 opportunity to be heard prior to the deprivation of any protected rights. U.S. Const. amend. V;
15 *see also Louisiana Pacific Corp. v. Beazer Materials & Services, Inc.*, 842 F.Supp. 1243, 1252
16 (E.D. Cal. 1994) (“[D]ue process requires that government action falling within the clause's
17 mandate may only be taken where there is notice and an opportunity for hearing.”).

18 78. Ms. Uzzhina a protected interest in her life. Thus, prior to any third country removal,
19 she must be provided with constitutionally-compliant notice and an opportunity to respond and
20 contest that removal if she has a fear of persecution or torture in that country.

21 79. For these reasons, Ms. Uzzhina’s removal to any third country without adequate notice
22 and an opportunity to apply for relief under the Convention Against Torture would violate her
23 due process rights. The only remedy of this violation is for this Court to order that she not be
24 summarily removed to any third country unless and until she is provided constitutionally
25 adequate procedures.
26

27 **PRAYER FOR RELIEF**
28

1 WHEREFORE, Ms. Uzzhina prays that this Court grant the following relief:

- 2 (1) Assume jurisdiction over this matter;
- 3 (2) Order that Petitioner's detention is unlawful in violation of *Zadvydas*
- 4 because her removal is not reasonably foreseeable;
- 5 (3) Order that Petitioner's detention is unlawful in violation of 8 C.F.R. §
- 6 241.13(i)(2) because there are no changed circumstances showing that there
- 7 is a significant likelihood that she may be removed in the reasonably
- 8 foreseeable future;
- 9 (4) Order the immediate release of Petitioner from custody because her
- 10 detention is not reasonably foreseeable in violation of *Zadvydas*;
- 11 (5) Order the immediate release of Petitioner from custody because her
- 12 detention is unlawful in violation of 8 C.F.R. § 241.13(i)(2);
- 13 (6) Order the immediate release of Petitioner from custody on any other basis
- 14 that this Court finds proper;
- 15 (7) Order that Petitioner cannot be removed to any third country without first
- 16 being provided constitutionally-compliant procedures, including:
- 17 a. Written notice to Petitioner and counsel of the third country to
- 18 which she may be removed, in a language that Petitioner can
- 19 understand, provided at least 21 days before any such removal;
- 20 b. A meaningful opportunity for Petitioner to raise a fear of return for
- 21 eligibility for protection under the Convention Against Torture,
- 22 including a reasonable fear interview before an asylum officer;
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1 c. If Petitioner demonstrates a reasonable fear during the interview,
2 ICE must move to reopen her underlying removal proceedings so that
3 she may apply for relief under the Convention Against Torture;

4 d. If it is found that Petitioner does not demonstrate a reasonable fear
5 during the interview, a meaningful opportunity, and a minimum of 15
6 days, for Petitioner to seek to move to reopen her underlying removal
7 proceedings to challenge potential third-country removal;
8

9 (8) Award reasonable costs and attorney fees; and

10 (9) Grant such further relief as the Court deems just and proper.

11 Dated: November 19, 2025

Respectfully submitted,

12 /s/ Lina Baroudi
13

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21 Anastasiya Uzzhina
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VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner-Plaintiff because I am the Petitioner-Plaintiff's attorney. I have discussed with the Petitioner-Plaintiff the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on November 19, 2025, in San José, California.

/s/ Lina Baroudi

Lina Baroudi
Attorney for Petitioner-Plaintiff
Anastasiya Uzzhina