

1 ERIC GRANT
United States Attorney
2 ELLIOT WONG
Assistant United States Attorney
3 501 I Street, Suite 10-100
Sacramento, CA 95814
4 Telephone: (916) 554-2700
Facsimile: (916) 554-2900
5

6 Attorneys for Respondents
United States of America
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8
9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 RAKHAT BAISHYMYROV,
12
13 Petitioner,
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15 v.
16 WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY, et al.,
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18 Respondents.
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CASE NO. 1:25-cv-1658-DMC (HC)

NOTICE OF LODGING TRANSCRIPT IN
RESPONSE TO COURT ORDER (ECF 18)

1 In an order dated March 17, 2026, the Court directed Respondents to provide the Court with a
2 copy of the recording or transcript of the February 3, 2026 bond hearing before the immigration judge.
3 Attached is a true and correct copy of the transcript of that hearing.

4 Dated: April 6, 2026

Respectfully submitted,

5 ERIC GRANT
6 United States Attorney

7 /s/ ELLIOT WONG
8 ELLIOT WONG
9 Assistant United States Attorney

Attachment 1

U.S. Department of Justice
Executive Office for Immigration Review
United States Immigration Court

In the Matter of

File:



RAKHAT BAISHYMYROV

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IN BOND PROCEEDINGS

RESPONDENT

Transcript of Hearing

Before VIKRAM BADRINATH, Immigration Judge

Date: February 3, 2026

Place: ADELANTO, CALIFORNIA

Transcribed by Diaz Data Services

Official Interpreter: MS. KACHA

Language: RUSSIAN

Appearances:

For the RESPONDENT: PRO SE

For the DHS: TOM BIRDMAN

1 JUDGE FOR THE RECORD

2 This is the immigration court in Adelanto, California. Today's date is the 3rd of
3 February, 2026. This is United States Immigration Judge Vikram K. Badrinath
4 conducting a custody redetermination hearing in the matter of Mr. Rakhat Baishymyrov;
5 file number  The respondent is present. He is detained in the custody of
6 the Department of Homeland Security at the Golden States Annex Facility in McFarland,
7 California. He is unrepresented and appears in pro se. The Department of Homeland
8 Security is represented today by its Assistant Chief Counsel, Mr. Tom Birdman
9 [phonetic], Esquire. The official, strike that, the Lionbridge telephonic interpreter is Ms.
10 Kacha [phonetic] with I.D. number 6465, she appears telephonically. All parties are
11 appearing via WebEx. And the court is conducting these proceedings from the
12 immigration court located in Sacramento, California.

13 JUDGE TO MR. BAISHYMYROV

14 To the respondent, good morning to you sir, can you state your full name for the
15 record please?

16 MR. BAISHYMYROV TO JUDGE

17 Good morning, your honor, Rakhat Baishymyrov.

18 JUDGE TO MR. BAISHYMYROV

19 Thank you, and you indicated off record that you are prepared to proceed in the
20 Russian language today.

21 MR. BAISHYMYROV TO JUDGE

22 Yes, yes, but I would like to ask for additional time.

23 JUDGE TO MR. BAISHYMYROV

24 All right, and let's go over the record in your case. The Notice to Appear, dated
25 February 13, 2025 will be Exhibit 1. The Notice to Appear has four factual allegations.



1 The Notice to Appear has a singular charge under Section 212(a)(7)(A)(i)(I). Exhibit 2 is
2 the order of the U.S. District Court for the Eastern District of California.

3 INTERPRETER TO JUDGE

4 I'm sorry, your honor, the interpreter could not hear you.

5 JUDGE TO INTERPRETER

6 Sure.

7 INTERPRETER TO JUDGE

8 Exhibit number 2 is what?

9 JUDGE TO INTERPRETER

10 Is the order of the United States District Court for the Eastern District of
11 California.

12 JUDGE TO MR. BAISHYMYROV

13 That order is dated January 16, 2026. And that order grants the respondents
14 petition for rid of habeas corpus. And that order requires the court to provide the
15 respondent with an individualized bond hearing. And in this bond hearing the
16 government must prove by clear and convincing evidence that the respondent is a flight
17 risk or danger to the community. And those are all the documents in the official bond
18 record. All right so, sir, you've indicated that you're requesting some more time. Is that
19 correct?

20 MR. BAISHYMYROV TO JUDGE

21 Yes, yes, because I just located an attorney, I was able to get in touch with him
22 and was supposed to communicate soon and get the documents. So, yes, please offer
23 me additional time.

24 JUDGE TO MR. BAISHYMYROV

25 All right.



1 JUDGE TO MR. BIRDMAN

2 And, Ms. Birdman, what is the Department's position with respect to this request?

3 MR. BIRDMAN TO JUDGE

4 The Department would object at this time, your honor, noting that this is a district
5 court ordered bond hearing that places the burden on the Department. And the
6 Department is prepared to move forward today.

7 JUDGE TO MR. BIRDMAN

8 All right, thank you.

9 JUDGE TO MR. BAISHYMYROV

10 All right so, to the respondent, sir, the government is objecting to your request to
11 continue these bond proceedings. And this is because this bond hearing has been
12 ordered by the United States District Court. The government is indicating that it is ready
13 to proceed in your case. And that is because the government has the burden of proof.
14 And I don't believe I can continue these proceeding since this bond hearing is ordered
15 by the District Court itself. So, I'm going to deny your request to continue this bond
16 hearing. And we will proceed with the hearing today. All right so, as noted, it is the
17 burden of the government to prove by clear and convincing evidence that the
18 respondent is a flight risk or danger to the community.

19 JUDGE TO MR. BIRDMAN

20 All right, so, Mr. Birdman, if you'd please present your case and also pause for
21 the interpreter.

22 MR. BIRDMAN TO JUDGE

23 Yes, thank you, your honor. The Department's main argument here is going to
24 be one of flight.

25 INTERPRETER TO JUDGE



1 I'm sorry, your honor, before we proceed, could you please tell the government's
2 attorney that they need to speak either closer to the microphone or just make the
3 qualities better because I cannot hear them well.

4 JUDGE TO INTERPRETER

5 Okay, thank you.

6 JUDGE TO MR. BIRDMAN

7 So, Mr. Birdman, if I could ask you to speak a little bit louder, please, thank you.

8 INTERPRETER TO JUDGE

9 Thank you.

10 JUDGE TO INTERPRETER

11 Sure.

12 MR. BIRDMAN TO INTERPRETER

13 Madam interpreter, is this better?

14 INTERPRETER TO MR. BIRDMAN

15 I'll do my best. It's not great. But I'll do my best, go ahead.

16 MR. BIRDMAN TO JUDGE

17 So, your honor, the Department's argument today centers on flight.

18 INTERPRETER TO MR. BIRDMAN

19 Continue, continue.

20 MR. BIRDMAN TO JUDGE

21 First, respondent's entry into the United States was illegal. Second, he has an
22 order of removal which means any return to court pending a final order of removal while
23 his appeal plays out at the BIA would be tenuous at best. He was detained shortly after
24 entering the U.S. and therefore has very limited ties to anywhere in the United States
25 other than his detention facility, the detention facility that he's at.



1 INTERPRETER TO JUDGE

2 Okay.

3 MR. BIRDMAN TO JUDGE

4 There is no evidence of work history in the United States, no evidence of familial
5 ties in the United States, no evidence of a sponsor in the United States. And the
6 Department would argue that under Matter of Dobrotvorskii while the Department may
7 bear the burden to prove beyond or to prove by clear and convincing evidence that
8 respondent is either a danger or flight risk.

9 INTERPRETER TO MR. BIRDMAN

10 Mm-hmm, go ahead.

11 MR. BIRDMAN TO JUDGE

12 That respondent may still want to have provided evidence in support of his own
13 bond request of which there is none here.

14 INTERPRETER TO MR. BIRDMAN

15 Thank you.

16 MR. BIRDMAN TO JUDGE

17 And with that the Department rests, your honor.

18 JUDGE TO MR. BIRDMAN

19 All right, thank you, Mr. Birdman.

20 JUDGE TO MR. BAISHYMYROV

21 So, to the respondent, sir, you've heard the government's arguments, would you
22 like to respond to their arguments?

23 MR. BAISHYMYROV TO JUDGE

24 Well, I collected certain documents that I have with me right now. But I didn't
25 have a chance to mail them. I mean to mail them through their attorney.



1 JUDGE TO MR. BAISHYMYROV

2 I understand, sir, but as I've explained, this bond hearing was ordered by the
3 United States District Court. So, would you like to respond orally to their arguments?

4 MR. BAISHYMYROV TO JUDGE

5 Yes, I will be appearing at court's hearings. And I will do whatever is required of
6 me.

7 JUDGE TO MR. BAISHYMYROV

8 All right, thank you, sir, any other response to the government's arguments?

9 MR. BAISHYMYROV TO JUDGE

10 Probably not, I don't even know what to say.

11 JUDGE TO MR. BAISHYMYROV

12 All right, thank you, sir, all right, the court first finds that there's no evidence that
13 the respondent would be a danger to the community should he be released. There's no
14 evidence of any criminal history in this case. The record also shows that the
15 respondent did not enter the United States unlawfully but rather was an arriving alien.
16 The record shows the respondent applied for admission at the Otay Mesa, California
17 port of entry on or about December 18, 2024. The Notice to Appear in this case is
18 dated February 13, 2025. And it does appear that the respondent was detained shortly
19 after his arrival into the United States. The record also shows that an immigration judge
20 previously denied the respondent's applications for relief on December 1st, 2025 and
21 that the respondent reserved his right to appeal. It appears that the respondent has
22 filed an appeal with the Board of Immigration Appeals and that appeal remains pending.
23 The court finds that the Department has met its burden in demonstrating that the
24 respondent's release would pose an extreme flight risk.

25 INTERPRETER TO JUDGE



1 I'm sorry, your honor, one more time please kindly.

2 JUDGE TO MR. BAISHYMYROV

3 The court finds that the government has met its burden of proof to demonstrate
4 that the respondent's release would pose an extreme flight risk.

5 INTERPRETER TO JUDGE

6 Okay.

7 JUDGE TO MR. BAISHYMYROV

8 First, the fact that the respondent has been ordered removed from the United
9 States and his application has been denied demonstrates that the likelihood of him
10 obtaining relief on appeal is uncertain. This uncertainty diminishes his motivation to
11 appear for future hearings. The record does not contain any evidence of any immediate
12 family ties in the United States. The record does not contain any evidence of any
13 employment history or other community ties. And there is no evidence that the
14 respondent has any sponsor in the United States. There is also no probable path for
15 the respondent to obtain lawful status so as to warrant his release on bond. The court
16 finds that the government has demonstrated by clear and convincing evidence that the
17 respondent is a flight risk. And so the request for a bond is denied. So, to the
18 respondent, sir, I've denied your request for bond given that I find that you are a flight
19 risk. Do you wish to reserve your right to appeal this decision to a higher immigration
20 court?

21 MR. BAISHYMYROV TO JUDGE

22 I would like that, yes.

23 JUDGE TO MR. BAISHYMYROV

24 Right, very good, sir, your notice of appeal is due to the higher immigration court
25 on or before March 5th, 2026. Do you understand this date, sir?



1 MR. BAISHYMYROV TO JUDGE

2 Yes, I do.

3 JUDGE TO MR. BAISHYMYROV

4 This date is very important. If you do not submit your notice of appeal to a higher
5 immigration court on or before that date then your right to appeal may be deemed
6 waived. Do you understand?

7 MR. BAISHYMYROV TO JUDGE

8 I do.

9 JUDGE TO MR. BAISHYMYROV

10 Very good, any questions, sir?

11 MR. BAISHYMYROV TO JUDGE

12 No questions.

13 JUDGE TO MR. BAISHYMYROV

14 All right.

15 JUDGE TO MR. BIRDMAN

16 Anything from the Department?

17 MR. BIRDMAN TO JUDGE

18 No, your honor.

19 JUDGE TO MR. BIRDMAN

20 All right.

21 JUDGE FOR THE RECORD

22 This hearing is adjourned. The adjournment code is 8B.

23 HEARING CLOSED

