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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

12 ANIL KUMAR

13 Petitioner,

14 v.

15 WARDEN OF THE GOLDEN STATE
16 ANNEX DETENTION FACILITY,
17 CURRENT OR ACTING FIELD
18 OFFICE DIRECTOR, SAN
19 FRANCISCO FIELD OFFICE, UNITED
20 STATES IMMIGRATION AND
21 CUSTOMS ENFORCEMENT;
22 CURRENT OR ACTING SECRETARY,
23 UNITED STATES DEPARTMENT OF
24 HOMELAND SECURITY; AND
25 CURRENT OR ACTING UNITED
26 STATES ATTORNEY GENERAL,

27 Respondents.

Case No.: 1:25-CV-01709-DAD-EFB

**PETITIONER'S NOTICE OF MOTION
AND MOTION TO ENFORCE COURT'S
ALL WRITS ACT ORDER AND TO
RESTORE STATUS QUO ANTE**

Date of Hearing: _____
Time of Hearing: _____
Courtroom No.: _____

28 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:**

PLEASE TAKE NOTICE that, upon submission of this motion for decision on the papers, without oral argument unless otherwise ordered by the Court, Petitioner Anil Kumar, through appointed counsel, respectfully moves this Court for an order enforcing the Court's

1 December 10, 2025 Order signed by Magistrate Judge Edmund F. Brennan. That Order, among
2 other relief, expressly prohibited Respondents from transferring Petitioner outside this judicial
3 district pending further order of the Court.
4

5 While the Court's Order remained in effect, Petitioner was removed to India. Petitioner
6 therefore seeks enforcement of the Court's directive, restoration of the status quo ante, his return
7 to this jurisdiction, and such further relief as the Court deems just and proper to ensure the
8 effectiveness of its prior Order.
9

10 This motion will be heard on a date and at a time to be determined by the Court, or as
11 otherwise ordered.
12

13 This motion is based upon this Notice of Motion and Motion, the accompanying
14 Declaration of Galina Dorris filed on February 24, 2026, the accompanying Memorandum of
15 Points and Authorities filed on February 24, 2026, the pleadings and papers on file in this action,
16 and upon such further matters as may be presented to the Court. A proposed order is submitted
17 concurrently herewith.
18
19

20 **MEET AND CONFER**

21 On February 19, 2026, Petitioner's counsel engaged in a meet and confer with
22 Respondents, asserting that the federal court's December 10, 2025 Order expressly preserved this
23 Court's jurisdiction pursuant to the All Writs Act, 28 U.S.C. § 1651(a), and prohibited actions
24 that would frustrate that jurisdiction. Petitioner's counsel explained that removal of Petitioner
25 from the United States was inconsistent with the Court's jurisdiction-preserving directive.
26
27
28

1 On February 23, 2026, Respondents provided a written response asserting that the
2 pendency of the habeas proceeding and the district court's Order did not divest the Immigration
3 Court of its authority to issue a removal order. Respondents attached a copy of the removal order
4 issued by the Immigration Judge in support of their position. Petitioner respectfully disputes
5 Respondents' interpretation and maintains that the issue presented is not whether the Immigration
6 Court retained authority to adjudicate removal proceedings, but whether the Executive's removal
7 of Petitioner violated this Court's Order and frustrated its habeas jurisdiction.
8

9 10 **FACTUAL BACKGROUND**

11 The Court's December 10, 2025 Order provides: "In order to ensure this court's
12 jurisdiction to resolve the pending § 2241 petition, respondents shall not transfer petitioner to
13 another detention center outside of this judicial district, pending further order of the court."

14 Despite the Court's clear prohibition, Respondents caused Petitioner to be removed to
15 India on February 8, 2026, thereby effectuating a transfer outside this judicial district and
16 frustrating the Court's ability to adjudicate the pending habeas petition.
17

18 **LEGAL STANDARD**

19 A federal court possesses inherent authority to enforce its orders and to fashion remedies
20 necessary to protect its jurisdiction, including ordering parties to take affirmative steps to restore
21 the status quo ante and to prevent actions that would defeat or impair the Court's adjudicatory
22 power. Courts are further authorized to issue writs necessary or appropriate in aid of their
23 jurisdiction.
24

25 **LEGAL ARGUMENTS**

26 **1. The Requirement of Effective Habeas Relief**

27 A federal habeas court must possess sufficient authority to conduct a meaningful review
28 of both the legality of detention and the Executive's power to detain an individual. As the
Supreme Court emphasized, "[t]he writ of habeas corpus has historically been regarded as the

1 fundamental instrument for safeguarding individual freedom against arbitrary and lawless state
2 action.” *Boumediene v. Bush*, 553 U.S. 723, 771 (2008);

3 Effective habeas relief requires that the Court maintain control over the proceedings and
4 have the ability to ensure that its orders are followed. Without such authority, the writ of habeas
5 corpus is rendered ineffective, and the Court cannot safeguard the rights of detained individuals.

6 **2. Respondents’ Removal of Petitioner Frustrated the Court’s Jurisdiction and**
7 **Undermined the Writ of Habeas Corpus**

8 The All-Writs Act, codified at 28 U.S.C. § 1651(a), provides that “[t]he Supreme Court
9 and all courts established by Act of Congress may issue all writs necessary or appropriate in aid
10 of their respective jurisdictions and agreeable to the usages and principles of law.” This statute
11 empowers federal courts to issue commands necessary to effectuate their orders and prevent
12 frustration of jurisdiction. *McKenzie County v. United States*, 131 F.4th 877, 882 (8th Cir. 2025).

13 By removing Petitioner outside this judicial district, Respondents directly interfered with
14 the Court’s ability to review the pending habeas petition and frustrated the Court’s jurisdiction.
15 Such actions undermine the essential function of the writ of habeas corpus and impair the Court’s
16 ability to provide meaningful relief.

17 **3. Executive Action Cannot Nullify a Federal Court’s Pending Habeas Jurisdiction**

18 The foundational principle limiting executive power in this context derives from the
19 Supreme Court’s landmark decision in *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579
20 (1952). Executive officials may not take actions that nullify or circumvent a federal court’s
21 pending jurisdiction. When the Executive acts contrary to a judicial order protecting habeas rights,
22 it exceeds its lawful authority and violates the separation of powers.

23
24 **REQUESTED RELIEF**

25 For the foregoing reasons, Petitioner respectfully requests that the Court enter an order:

26 a) Enforcing the December 10, 2025 Order issued by Magistrate Judge Edmund F.
27 Brennan;

b) Directing Respondents to immediately return Petitioner Anil Kumar to this judicial district no later than 30 calendar days and to file a status report within 24 hours confirming compliance;

c) Finding that Respondents' removal of Petitioner from the United States altered the status quo preserved by this Court and frustrated its habeas jurisdiction;

d) Setting an evidentiary hearing at the earliest available date and ordering Respondents to show cause why they should not be held in noncompliance with the December 10, 2025 Order and why further remedial measures should not issue; and

e) Granting such additional relief as the Court deems just and appropriate to protect its jurisdiction and to remedy prejudice to Petitioner.

CONCLUSION

For the foregoing reasons, Respondents' removal of Petitioner directly undermined this Court's jurisdiction, altered the status quo preserved by the Court's December 10, 2025 Order, and impaired the Court's ability to provide meaningful habeas relief. The Court retains authority under 28 U.S.C. § 1651(a), its inherent equitable powers, and 28 U.S.C. § 1361 to enforce its prior Order and restore the status quo ante. Accordingly, Petitioner respectfully requests that the Court grant this Motion, enforce its jurisdiction-preserving Order, direct Respondents to facilitate Petitioner's return to the United States, and provide such further relief as necessary to ensure that the Court's habeas review remains effective and not illusory.

Respectfully submitted,

Dated: February 24, 2026

GAVRILOV & BROOKS

By: /s/ Galina Dorris

Galina Dorris

Attorney for Petitioner

ANIL KUMAR

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16 WARDEN OF THE GOLDEN STATE
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20 FRANCISCO FIELD OFFICE, UNITED
21 STATES IMMIGRATION AND
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23 CURRENT OR ACTING SECRETARY,
24 UNITED STATES DEPARTMENT OF
25 HOMELAND SECURITY; AND
26 CURRENT OR ACTING UNITED
27 STATES ATTORNEY GENERAL,

28 Respondents.

**PETITIONER'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF PETITIONER'S MOTION
TO ENFORCE COURT'S ALL WRITS
ACT ORDER AND TO RESTORE STATUS
QUO ANTE**

Date of Hearing:
Time of Hearing:
Courtroom No.:

Petition Filed: December 2, 2025
Opposition Filed: January 23, 2026

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

On December 10, 2025, this Court exercised its authority under the All Writs Act, 28 U.S.C. § 1651(a), to preserve its jurisdiction over Petitioner's pending habeas corpus petition. The Court expressly ordered that Respondents "shall not transfer petitioner to another detention center outside of this judicial district, pending further order of the Court." That directive was issued to ensure that the Court's jurisdiction remained meaningful and that effective habeas relief would remain available.

Despite that clear jurisdiction-preserving order, Respondents removed Petitioner from the United States on or about February 8, 2026—while his § 2241 petition remained pending before this Court. Removal from the country is the ultimate transfer outside the judicial district and directly defeats the purpose of the Court's order. By unilaterally altering Petitioner's custodial status and eliminating his physical presence within the district, Respondents frustrated this Court's ability to adjudicate the habeas petition and to grant effective relief.

This motion does not challenge the Immigration Judge's authority to adjudicate removal proceedings. Nor does it seek to relitigate the removal order itself. The issue presented here is narrower and more fundamental: whether the Executive Branch may nullify a federal court's jurisdiction-preserving order through unilateral action while habeas review is pending. The separation of powers does not permit such interference. Once this Court exercised jurisdiction and issued an order to preserve it, Respondents were obligated to comply.

The writ of habeas corpus is a vital safeguard of individual liberty and must remain effective, not illusory. Federal courts retain authority to issue all writs necessary to protect their jurisdiction and to restore the status quo when that jurisdiction has been undermined. Because

1 Respondents' removal of Petitioner directly contravened this Court's December 10, 2025 Order
2 and impaired its ability to provide meaningful relief, enforcement of that Order and restoration of
3 the status quo ante are required.

4 5 **II. FACTUAL BACKGROUND**

6
7 On December 2, 2025, Petitioner filed a Petition for Writ of Habeas Corpus and a request
8 for appointment of counsel (ECF No. 1). In his request, Petitioner stated that his life may be in
9 serious danger upon his return to his country and his asylum is pending (ECF No. 1, at 5).
10 Petitioner requested the following claim of relief: Violation of the Due Process Clause of the Fifth
11 Amendment arguing that Petitioner's detention is not justified because the government has not
12 established by clear and convincing evidence that Petitioner presents a risk of flight or danger
13 (ECF No. 1, at 16-17).
14

15
16 On December 10, 2025, Honorable Judge Brennan signed an order granting the
17 appointment of counsel, issuing a scheduling order, and providing that: "In order to ensure this
18 Court's jurisdiction to resolve the pending Section 2241 petition, respondents shall not transfer
19 petitioner to another detention center outside of this judicial district, pending further order of the
20 Court. See 28 U.S.C. § 1651(a) (establishing the All Writs Act, which empowers federal courts
21 to 'issue all writs necessary or appropriate in aid of their respective jurisdictions...'); see also
22 *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966) (emphasizing that federal courts have the
23 power to 'preserve the Court's jurisdiction or maintain the status quo by injunction pending
24 review of an agency's action')." (ECF No. 8, at 2-3).
25

26
27 On December 31, 2025, counsel for Petitioner was officially appointed (ECF No. 14).
28

1 On January 23, 2026, Respondents filed an opposition (ECF No. 19).

2 On February 12, 2026, Petitioner's counsel attempted to schedule a legal call with
3 Petitioner but was unable to locate him in the detention facility (Declaration of Galina Dorris,
4 hereinafter "Decl. of Dorris"). Counsel then checked the automated ECAS system, which
5 indicated that a removal order had been issued (Decl. of Dorris).
6

7
8 That same day, Petitioner's counsel promptly followed up with Respondents to determine
9 Petitioner's whereabouts (Decl. of Dorris). On February 13, 2026, Respondents answered, stating
10 that Petitioner had been removed from the United States on February 8, 2026 (Decl. of Dorris).
11 The email communication made clear that the United States Attorney's Office was not aware of
12 Petitioner's removal at the time it occurred (Decl. of Dorris).
13

14 On February 19, 2026, Petitioner's counsel engaged in a meet-and-confer session with
15 Respondents, asserting that the federal court's December 10, 2025 Order preserved this Court's
16 jurisdiction under the All Writs Act (Decl. of Dorris).
17

18 On February 23, 2026, Respondents provided a response claiming that the habeas
19 proceeding and the district court's order did not nullify the Immigration Court of its authority to
20 order removal and attached a removal order issued by an immigration judge (Decl. of Dorris).
21 Petitioner's counsel disputes this position.
22

23 As a result of Petitioner's removal, counsel currently has no means to communicate with
24 Petitioner and is actively attempting to locate him. Petitioner's removal has frustrated the Court's
25 jurisdiction and effectively rendered the pending habeas petition unable to proceed (Decl. of
26 Dorris).
27
28

III. LEGAL ARGUMENT

A. The Requirement of Effective Habeas Relief

A federal habeas court must possess sufficient authority to conduct a meaningful review of both the legality of detention and the Executive's power to detain an individual. As the Supreme Court emphasized, "[t]he writ of habeas corpus has historically been regarded as the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action." *Boumediene v. Bush*, 553 U.S. 723, 771 (2008).

The district court must be able to effectively grant relief if it finds a petitioner is unlawfully detained. In practice, this authority often includes the power to order immediate or conditional release when detention is found to be unlawful. *Boumediene*, 553 U.S. at 771. Accordingly, any action by the Executive Branch that removes a petitioner from the court's jurisdiction — including transfer or deportation — frustrates the court's ability to provide practical and effective relief, undermining the purpose of the writ.

Habeas corpus is more than a procedural tool; it is a "vital instrument for the protection of individual liberty" against the unchecked power of the government. *Gabe v. Chappell*, 793 F.3d 1159, 1167 (9th Cir. 2015). Courts have repeatedly recognized that the writ is fundamentally equitable in nature and "at its core... an equitable remedy essential to the ends of justice." *Schlup v. Delo*, 513 U.S. 298, 319, 115 S. Ct. 851, 864 (1995).

Removal or deportation does not automatically divest the court of authority or render the petition moot. Courts have consistently held that federal habeas jurisdiction cannot be defeated by the unilateral action of the Executive Branch. Even when a petitioner is removed, the court

1 retains authority to preserve jurisdiction, restore the status quo, and address ongoing collateral
2 consequences of detention. *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007) (habeas claim
3 may remain justiciable if there are continuing collateral consequences); *F.T.C. v. Dean Foods*
4 *Co.*, 384 U.S. 597, 604 (1966) (federal courts may issue all writs necessary to preserve jurisdiction
5 and maintain the status quo).
6

7 Thus, even after Petitioner's removal from the United States, this Court retains authority to
8 order actions necessary to preserve its jurisdiction, including the return of Petitioner and
9 restoration of his custodial posture within this judicial district. Such relief ensures that the habeas
10 petition remains justiciable and that the Court's prior order retains operative effect.
11

12 In sum, Respondents' removal of Petitioner outside this judicial district frustrates the Court's
13 power to provide meaningful habeas relief, undermines the equitable purpose of the writ, and
14 violates the principle that habeas review must be effective, not illusory. The Executive Branch
15 cannot, through unilateral action, nullify the Court's jurisdiction or render a habeas petition
16 incapable of review. Federal courts retain both the statutory authority under 28 U.S.C. § 1651(a)
17 and the inherent equitable power to issue orders necessary to restore the status quo and preserve
18 meaningful judicial review.
19
20

21
22 **B. Respondents' Removal of Petitioner Frustrated the Court's Jurisdiction and**
23 **Undermined the Writ of Habeas Corpus**

24 The All Writs Act, codified at 28 U.S.C. § 1651(a), provides that "[t]he Supreme Court and
25 all courts established by Act of Congress may issue all writs necessary or appropriate in aid of
26 their respective jurisdictions and agreeable to the usages and principles of law." This statute
27 empowers federal courts to issue commands necessary to effectuate their orders and prevent
28 frustration of jurisdiction. *McKenzie County v. United States*, 131 F.4th 877, 882 (8th Cir. 2025).

1 The Supreme Court has recognized that courts may issue orders preserving jurisdiction and
2 maintaining the status quo to ensure that judicial review remains effective. *F.T.C. v. Dean Foods*
3 *Co.*, 384 U.S. 597, 604 (1966). This Court's prior December 10, 2025 Order — which prohibited
4 the transfer of Petitioner outside the judicial district — was issued precisely for that purpose: to
5 prevent Executive action from frustrating the Court's ability to adjudicate the pending habeas
6 petition.
7

8 At the time the Court entered its Order, Petitioner was detained within this judicial district
9 and fully subject to the Court's jurisdiction. Respondents' subsequent removal of Petitioner from
10 the United States:
11

- 12 1. Eliminated Petitioner's physical presence within the district;
 - 13 2. Altered the custodial posture that existed at the time of the Court's Order; and
 - 14 3. Impaired the Court's ability to provide meaningful habeas relief.
- 15
16

17 Removal from the country constitutes a transfer beyond the territorial bounds this Court
18 expressly sought to preserve, directly undermining the purpose of the Court's Order. If Executive
19 officials could defeat jurisdiction by removing a habeas petitioner after entry of a jurisdiction-
20 preserving order, the authority of the Court under the All Writs Act would be rendered ineffective.
21

22 Where a party's actions have altered the status quo in violation of a jurisdiction-preserving
23 order, federal courts have inherent authority to restore the parties to the position that existed
24 before the violation. *F.T.C. v. Dean Foods Co.*, 384 U.S. at 604; *McKenzie County*, 131 F.4th at
25 882. Restoring the status quo ante here requires Respondents to:
26

- 27 1. Facilitate and effectuate Petitioner's return to the United States; and
- 28

1 2. Restore Petitioner to custody within this judicial district pending further order of the
2 Court.

3
4 Such relief is necessary to ensure that this Court's habeas jurisdiction is not nullified and that
5 its prior Order retains operative effect.

6
7 Furthermore, the removal of Petitioner does not moot his habeas petition. For a habeas
8 petition to continue to present a live controversy after a petitioner's release or deportation, there
9 must be a remaining "collateral consequence" that may be redressed by success on the petition.
10 *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007), citing *Spencer v. Kemna*, 523 U.S. 1, 7,
11 118 S.Ct. 978 (1998). Here, Petitioner's claim challenges violations of his due process rights at
12 the time of detention, which continue to have legal and practical consequences, including the
13 potential effects of removal without adjudication. *Id.* In contrast, if the petition only challenged
14 prolonged detention and the petitioner were now released, the habeas petition might become moot
15 because no collateral consequences remain. *Id.*
16

17
18 **C. Executive Branch Can Not Take Action That Nullifies a Federal Court's Pending**
19 **Habeas Jurisdiction**

20
21 The foundational principle limiting executive power in this context derives from the Supreme
22 Court's landmark decision in *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952)
23

24 Respondents' answer to meet and confer letter stating that Immigration Judge (IJ) still has a
25 jurisdiction to proceed with removal proceeding is incorrectly misstates the ongoing issue in this
26 case as the questions presented here is whether Executive Branch's actions impose on and nullify
27 the federal court's jurisdiction and order. The jurisdictions can exist in parallel and petitioner is
28

1 not challenging IJ's jurisdiction. The separation of powers doctrine specifically prohibits
2 executive interference with pending federal court jurisdiction. *Boumediene v. Bush*, 128 S.Ct.
3 2229, 2237 (2008).

4
5 This Court possesses authority to order Petitioner returned to the United States and to preserve
6 its jurisdiction. Federal courts have multiple mechanisms to enforce compliance with their lawful
7 orders. Under 28 U.S.C. § 1361, district courts have "original jurisdiction of any action in the
8 nature of mandamus to compel an officer or employee of the United States or any agency thereof
9 to perform a duty owed to the plaintiff." 28 U.S.C. § 1651(a), the All Writs Act, further empowers
10 federal courts to issue "all writs necessary or appropriate in aid of their respective jurisdictions,"
11 including measures to prevent actions by the Executive that would frustrate or nullify ongoing
12 judicial review. *F.T.C. v. Dean Foods Co.*, 384 U.S. 597, 604 (1966) (courts may issue all writs
13 necessary to preserve jurisdiction and maintain the status quo).
14
15

16 Where the Executive removes a habeas petitioner in violation of a jurisdiction-preserving
17 order, it undermines the Court's ability to provide meaningful relief, frustrates the equitable
18 purpose of the writ, and exceeds the limits of lawful Executive authority. Courts routinely
19 recognize that relief may include orders restoring the status quo ante, including facilitating the
20 return of the petitioner to the United States to ensure continued jurisdiction. *McKenzie County v.*
21 *United States*, 131 F.4th 877, 882 (8th Cir. 2025).
22
23

24 IV. CONCLUSION

25
26 For the foregoing reasons, Respondents' removal of Petitioner from the United States has
27 directly frustrated this Court's jurisdiction, altered the status quo, and undermined the Court's
28 ability to provide meaningful habeas relief. The All Writs Act, 28 U.S.C. § 1651(a), together with

1 the Court's inherent authority and the mandamus statute, 28 U.S.C. § 1361, empower this Court
2 to enforce its prior order and restore the status quo ante. Petitioner continues to suffer ongoing
3 collateral consequences from the challenged detention, and the separation-of-powers principles
4 prohibit Executive Branch action that nullifies the Court's jurisdiction. Accordingly, Petitioner
5 respectfully requests that the Court enforce its December 10, 2025 Order, direct Respondents to
6 facilitate Petitioner's return to the United States, and restore him to custody within this judicial
7 district pending further order of the Court, ensuring that the habeas petition remains justiciable
8 and the Court's authority is preserved.
9

10
11 Respectfully submitted,
12

13
14 Dated: February 24, 2026

GAVRILOV & BROOKS

By: /s/ Galina Dorris
Galina Dorris
Attorney for Petitioner
ANIL KUMAR