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

ANIL KUMAR

Petitioner,

v.

WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY,
CURRENT OR ACTING FIELD
OFFICE DIRECTOR, SAN
FRANCISCO FIELD OFFICE, UNITED
STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT;
CURRENT OR ACTING SECRETARY,
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; AND
CURRENT OR ACTING UNITED
STATES ATTORNEY GENERAL,

Respondents.

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

**PETITIONER'S REPLY TO
RESPONDENTS' OPPOSITION TO
MOTION TO ENFORCE ALL WRITS
ACT AND OPPOSITION TO MOTION
TO DISMISS FOR MOOTNESS**

Date of Hearing: N/A
Time of Hearing: N/A
Courtroom No.: N/A

I. LEGAL ARGUMENT

**A. The Petition Is Not Moot Because the Government Cannot Evade Judicial Review
by Violating a Court Order and Completing the Challenged Conduct**

1 Respondents argue that the petition is moot because Petitioner has already been removed to
2 India. That argument fails. Courts consistently hold that a case is not rendered moot when the
3 government's own unlawful conduct created the very circumstances it now relies upon to claim
4 mootness.

5
6 Under the voluntary cessation doctrine, a defendant cannot evade judicial review by ceasing
7 or completing the challenged conduct after litigation has begun. The Supreme Court explained
8 that "a defendant's voluntary cessation of a challenged practice does not deprive a federal court
9 of its power to determine the legality of the practice." *Friends of the Earth, Inc. v. Laidlaw*
10 *Environmental Services (TOC), Inc.*, 528 U.S. 167 (2000). The doctrine exists precisely to prevent
11 parties from avoiding judicial accountability through strategic cessation of unlawful conduct.
12

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14 Federal courts continue to reaffirm this principle. As the court recently explained in *Givens v.*
15 *Newsom*, a party "should not be able to evade judicial review, or to defeat a judgment, by
16 temporarily altering questionable behavior," *Givens v. Newsom*, 629 F. Supp. 3d 1020, 1025-1026
17 (2022) citing *City News & Novelty, Inc. v. City of Waukesha*, 531 U.S. 278, 284 n.1, 121 S.Ct.
18 742, 148 L.Ed.2d 757 (2001). . Respondents' mootness argument suffers from precisely this
19 defect: the government violated the Court's order and then seeks to rely on the consequences of
20 that violation to argue that the Court can no longer provide relief.
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22
23 Moreover, federal courts retain the authority to order the government to facilitate a petitioner's
24 return when removal occurs in violation of legal protections. Were it otherwise, the government
25 could systematically defeat judicial review simply by deporting individuals before the court has
26 an opportunity to rule. Such a rule would undermine the judiciary's ability to enforce its orders
27 and preserve its jurisdiction.
28

1 The party asserting mootness also bears a “heavy burden” of demonstrating that “the
2 challenged behavior cannot reasonably be expected to recur.” *Friends of the Earth, Inc. v. Laidlaw*
3 *Environmental Services (TOC), Inc.*. Recent events demonstrate the opposite. In their opposition,
4 Respondents apologize to the Court and assert that ICE attorneys were unaware of the Court’s
5 order prohibiting transfer or removal. However, violations of federal court orders in immigration
6 habeas proceedings have become increasingly common. In a recent order issued by Patrick J.
7 Schiltz, Chief Judge of the U.S. District Court for the District of Minnesota, the court identified
8 ninety federal court orders that had been violated by ICE across seventy-four cases involving
9 similar circumstances. See *Juan T.R. v. Kristi Noem, et.al.*, No. 0:26-cv-00107-PJS-DLM, Doc.
10 10 (D. Minn. Jan. 28, 2026). This pattern further undermines Respondents’ assertion that the
11 conduct at issue here is unlikely to recur.
12

13
14 Additionally, the government’s explanation for the violation raises significant questions.
15 Respondents contend that the removal occurred because the Assistant United States Attorney did
16 not notify ICE counsel of the Court’s order. ECF No. 21. At this stage, Petitioner’s counsel does
17 not have access to the government’s internal communications or operational records.
18 Nevertheless, the limited information currently available casts doubt on the government’s
19 account.
20

21
22 The hearing held on January 28, 2026 before IJ Vikram Badrinath was a master calendar
23 hearing, not an individual merits hearing. ECF No. 19 at 3. The audio recording provided to
24 Petitioner’s counsel confirms that the proceeding was described as a master reset hearing, which
25 typically serves administrative purposes such as scheduling and case management rather than
26 adjudicating the merits of removal. Such hearings are generally not intended to culminate in the
27 issuance of a removal order.
28

1 During that hearing, IJ Badrinath also indicated that Petitioner's prior immigration counsel
2 had withdrawn from representation. Despite these circumstances, Petitioner was removed to India
3 by February 8, 2026—only eleven days after the master calendar hearing. This unusually short
4 timeline between the hearing and the execution of removal raises further concerns regarding how
5 the removal was authorized and whether adequate steps were taken to ensure compliance with
6 this Court's order prohibiting transfer or removal.
7

8 Given these circumstances, the government's assertion that the removal occurred merely
9 because the AUSA failed to notify ICE counsel does not adequately explain how the removal was
10 approved and executed while a federal court order prohibiting transfer remained in effect.
11 Respondents therefore cannot rely on the consequences of their own violation to argue that this
12 case is moot.
13
14

15 **B. Due Process Violation Still Exists Even If Petitioner Was Removed**
16

17 Due process violations occur when government conduct in removal proceedings undermines
18 the fundamental fairness of the process. Courts have established that a petitioner must
19 demonstrate both a due process violation and resulting prejudice in order to prevail on such a
20 claim. Here, the government's conduct—executing Petitioner's removal in violation of a federal
21 court order and then invoking that removal to argue mootness—undermines the integrity of the
22 judicial process and violates basic principles of fairness.
23

24 The issue in this case is not the removal itself, but the government's disregard of a federal
25 court order and the resulting interference with the habeas process. Compliance with a federal
26 court order is mandatory and cannot be disregarded based on the Petitioner's statements or
27 preferences during immigration proceedings. Federal agencies remain bound by orders issued by
28

1 Article III courts, and administrative actions taken during immigration proceedings cannot
2 override those obligations.

3
4 Moreover, courts have recognized that government manipulation of judicial proceedings in
5 order to avoid review raises serious due process concerns. Just as courts have condemned
6 sentencing manipulation where government conduct distorts the judicial process, similar
7 principles apply where government action effectively prevents a court from exercising its
8 jurisdiction. Removing a habeas petitioner in violation of a court order and then arguing that the
9 case is moot improperly allows the government to benefit from its own misconduct and deprives
10 the petitioner of meaningful judicial review.
11

12
13 Petitioner was also prejudiced by Respondents' conduct. The removal deprived Petitioner of
14 the opportunity to pursue the relief sought in his habeas petition—namely, release from prolonged
15 detention—and to explore alternative lawful avenues available while present in the United States.
16 As indicated in the Petition, Petitioner family resides here, and his removal therefore not only
17 terminated the habeas process but also imposed significant hardship on his family and foreclosed
18 potential avenues for relief that could have been pursued had the Court been permitted to
19 adjudicate the petition. ECF No.1, at 5.
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21
22 Finally, allowing the government to remove a habeas petitioner in violation of a federal court
23 order and then claim that the case is moot would undermine the constitutional protections
24 embodied in the Suspension Clause. The Suspension Clause protects the availability of habeas
25 corpus as a mechanism for judicial review of executive detention. Permitting the Executive
26 Branch to defeat habeas jurisdiction through unilateral removal would erode that constitutional
27 safeguard and render judicial review illusory.
28

1 For these reasons, the government's actions not only violated the Court's order but also
2 deprived Petitioner of the fundamental fairness guaranteed by the Due Process Clause.

3
4 **I. CONCLUSION**

5 For the foregoing reasons, Petitioner respectfully requests that this Court enforce its prior
6 order, preserve its jurisdiction, and order Respondents to facilitate Petitioner's return to the United
7 States so that his habeas petition can be meaningfully adjudicated. Such relief is necessary to
8 remedy the government's violation of the Court's order, protect Petitioner's due process rights,
9 and uphold the constitutional safeguards of the Suspension Clause.

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12 Respectfully Submitted,

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15 Dated: March 12, 2026

GAVRILOV & BROOKS

16 By: /s/ Galina Dorris

17 Galina Dorris

18 Attorney for Petitioner

19 ANIL KUMAR