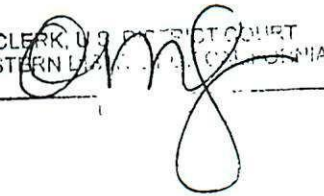


1 BULAT SAMBUEV

2 
3 GOLDEN STATE ANNEX
4 611 FRONTAGE RD
5 MCFARLAND,
6 CA 93250
7 **PRO SE**

FILED

DEC 29 2025

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 

11
12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14

15 BULAT SAMBUEV

No. 1:25-cv-01814-DJC-AC

16 
17 Plaintiff,

18 v.

19 TONYA ANDREWS, et al.

20 Defendant.
21

22 PETITIONER'S FURTHER BRIEF IN SUPPORT OF REQUESTED INJUNCTIVE
23 RELIEF DENIED IN THE COURT'S ORDER AND RENEWED EMERGENCY MOTION
24 FOR PRELIMINARY INJUNCTION (AND, IN THE ALTERNATIVE, TEMPORARY
25 RESTRAINING ORDER)
26
27
28

1 **I. NOTICE OF MOTION AND MOTION**

2 **TO THE COURT AND TO ALL PARTIES:**

3 Pursuant to Federal Rule of Civil Procedure 65 and the Court's Order permitting
4 Petitioner to file, on or before December 26, 2025, a further brief in support of those portions of
5 the requested injunctive relief that were denied, Petitioner respectfully files this Further Brief and
6 renews his motion for preliminary injunctive relief on an emergency basis.

7 Petitioner seeks a narrowly tailored order ensuring that the Court's injunctive relief is
8 **effective in practice**, not merely formal, and requests (i) **immediate release** on appropriate
9 conditions or, at minimum, (ii) relief preventing Respondents from **nullifying** the Court-ordered
10 bond-hearing remedy through mechanisms that keep Petitioner detained notwithstanding the
11 Immigration Judge's on-the-record release order.

12 Petitioner requests expedited consideration and, to the extent the Court deems appropriate,
13 an order to show cause on shortened time, as the risk of continued confinement and nullification
14 of the Court's relief is immediate.

15 **II. INTRODUCTION**

16 The Court's Order required Respondents to provide Petitioner a constitutionally adequate
17 bond hearing under INA § 236(a) (8 U.S.C. § 1226(a)), with the Government bearing the burden
18 by clear and convincing evidence. The hearing occurred on December 23, 2025. On the record,
19 the Immigration Judge granted release on bond set at \$25,000. DHS stated it **reserved appeal**.

20 **Petitioner remains detained, and—given the custody-appeal procedures available to**
21 **DHS—the Court's intended remedy is at imminent risk of being rendered ineffectual.**
22 **Specifically, DHS may file Form EOIR-43 (Notice of Intent to Appeal Custody**
23 **Redetermination) to trigger an automatic stay of the Immigration Judge's release order,**
24 **and then pursue a custody appeal that can keep Petitioner detained for an extended period.**
25 **That functions as a constructive denial of release and thus defeats the Court's remedial**
26 **purpose.**

27 Accordingly, Petitioner seeks the additional injunctive relief previously denied, now
28 supported by the concrete post-hearing facts.

1 **III. PROCEDURAL BACKGROUND**

- 2 1. Petitioner filed this habeas action challenging his detention and seeking injunctive relief,
3 including immediate release and/or an order requiring a constitutionally adequate bond
4 hearing.
- 5 2. The Court granted limited injunctive relief by ordering Respondents to provide a bond
6 hearing meeting constitutional requirements within seven (7) days, and permitted
7 Petitioner to file by **December 26, 2025** a further brief supporting those portions of
8 injunctive relief denied in the Order. The Court also set a response schedule permitting
9 Respondents to file a reply by **December 31, 2025**.
- 10 3. The Court's Order contemplated that the bond-hearing remedy would provide Petitioner a
11 meaningful pathway to release consistent with due process.

12 **IV. NEW FACTS AND CHANGED CIRCUMSTANCES SINCE THE COURT'S**
13 **ORDER**

14 On **December 23, 2025**, the Immigration Court held the Court-ordered bond hearing.
15 Petitioner appeared with counsel. At the conclusion of the hearing, the Immigration Judge stated
16 on the record that Petitioner's release on bond was **granted and set bond at \$25,000. DHS**
17 **stated it reserved appeal.**

18 As of **December 25, 2025**, (i) Petitioner has not been released, and (ii) counsel does not
19 yet see in ECAS the Immigration Judge's written custody order or any DHS filing reflecting a
20 custody appeal or Form EOIR-43. Because the hearing occurred immediately before federal
21 holidays, ECAS posting delays are foreseeable. **Petitioner cannot prudently wait to confirm**
22 **the presence or absence of an EOIR-43 filing because any delay risks missing the Court's**
23 **briefing deadlines and risks continued detention caused by procedures that may nullify the**
24 **Court's relief.** (If the immigration court does not work on December 26th 2025 the DHS has
25 deadline to file EOIR 43 December 29th 2025)

26 These post-order facts justify renewed emergency relief.

27 **V. LEGAL STANDARD**

28 To obtain a preliminary injunction, a petitioner must show (1) likelihood of success on the

merits, (2) likelihood of irreparable harm absent relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest. *Winter v. NRDC*, 555 U.S. 7, 20 (2008). A TRO is governed by the same standard where emergency relief is required to prevent immediate irreparable harm.

The Court also retains inherent authority under Rule 65 and equitable principles to craft relief that prevents its orders from being rendered ineffective in practice.

VI. ARGUMENT

A. Further injunctive relief is necessary to prevent nullification of the Court's remedial Order

The Court ordered a constitutionally adequate § 1226(a) bond hearing as a remedy to ongoing unlawful detention. The remedy is undermined where the post-hearing reality is continued confinement through (1) an amount of bond that is not meaningfully attainable and/or (2) custody-appeal procedures that automatically stay an IJ's release order.

A federal court's injunctive relief should not be satisfied by a process that yields only a **paper release order** while the detainee remains confined through mechanisms that defeat the practical availability of release. The additional relief Petitioner requests is targeted to ensure that the hearing ordered by this Court results in a **meaningful opportunity for release**, consistent with due process.

B. DHS's reservation of appeal and custody-appeal mechanisms create an immediate risk of irreparable harm and render the existing relief ineffective

DHS stated it reserved appeal at the hearing. DHS may invoke Form EOIR-43 to stay the IJ's release order and pursue a custody appeal. The practical effect is continued detention notwithstanding the IJ's release ruling, for a period that may be substantial.

This imminent risk is not speculative in the relevant sense: DHS expressly indicated its intent to consider appeal, and the regulatory custody-appeal framework is designed to maintain custody while appeal is pursued. If Respondents are permitted to keep Petitioner detained through an automatic stay pending lengthy custody-appeal proceedings, the Court's injunctive relief will be reduced to an empty formality, and Petitioner will continue to suffer the irreparable harm of

1 confinement.

2 **C. A \$25,000 bond, without ability-to-pay analysis or less restrictive alternatives,**
3 **functions as a constructive denial of release**

4 The bond set is exceptionally high for a detained individual and, for Petitioner, is
5 effectively unattainable. A bond amount that cannot realistically be paid operates as a **de facto**
6 **detention order**. Where the constitutional purpose of the hearing is to provide a meaningful
7 pathway to release unless the Government carries its burden, the remedy is defeated if the
8 outcome is continued detention solely because Petitioner cannot pay a prohibitively high bond.

9 Petitioner therefore requests relief requiring either immediate conditional release or
10 meaningful bond relief, including consideration of ability to pay and less restrictive alternatives to
11 monetary bond.

12 **D. The Winter factors favor emergency preliminary relief**

13 **1. Likelihood of success.** Petitioner's likelihood of success is supported by the Court's
14 prior finding that a constitutionally adequate § 1226(a) bond hearing was required and by the
15 post-hearing facts demonstrating that the remedy has not produced a meaningful opportunity for
16 release.

17 **2. Irreparable harm.** Continued detention constitutes ongoing irreparable harm. The
18 harm is immediate and continuing and cannot be remedied by later relief alone, particularly if
19 custody-appeal procedures allow detention to persist while the federal remedy is effectively
20 neutralized.

21 **3. Balance of equities.** Petitioner seeks narrowly tailored relief: release on appropriate
22 conditions or meaningful bond relief. The Government's interests can be protected by conditions
23 of supervision and reporting, and the equities strongly favor preventing ongoing confinement
24 where the Court has already intervened to require constitutionally adequate process.

25 **4. Public interest.** The public interest favors compliance with constitutional due process
26 and the effective operation of judicial remedies, as well as avoiding unnecessary civil detention
27 where conditions of release can reasonably mitigate any legitimate governmental concerns.

28 **VII. REQUESTED RELIEF**

Petitioner respectfully requests that the Court grant the following relief:

1. **Immediate release:** Order Respondents to release Petitioner immediately under reasonable conditions of supervision to be set by the Court (or, alternatively, as determined by the Immigration Judge), unless Respondents obtain a discretionary stay supported by articulated reasons and prompt review; **and/or**
2. **Anti-nullification / stay-limiting relief:** Enjoin Respondents from continuing to detain Petitioner based solely on an **automatic** stay mechanism that overrides the Immigration Judge's on-the-record release decision, absent prompt judicial review and standards sufficient to satisfy due process; **and/or**
3. **Meaningful bond relief:** Order that Petitioner shall be released unless Respondents promptly provide a bond determination that includes findings regarding Petitioner's ability to pay and consideration of less restrictive alternatives to monetary bond; alternatively, reduce bond to a reasonably attainable amount consistent with Petitioner's circumstances; **and**
4. Order expedited status reporting (e.g., within 24–48 hours of the Court's order) confirming whether Respondents have filed any custody-appeal documents (including Form EOIR-43), and confirming Petitioner's release status; **and**
5. Grant such other and further relief as the Court deems just and proper.

VIII. CONCLUSION

Petitioner respectfully requests that the Court accept this Further Brief under its Order, and grant Petitioner's renewed emergency motion for preliminary injunctive relief (or, in the alternative, TRO) to ensure that the Court's remedy is effective and that Petitioner is not unlawfully confined through processes that render his ordered bond hearing and resulting release ruling practically meaningless.

DATED: December 25th, 2025

Respectfully submitted

Pro Se Petitioner

Bulat Sambayev



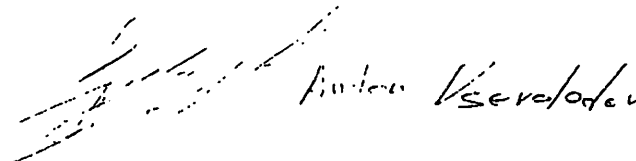
DECLARATION OF COUNSEL

I, Anton Vsevolodov, declare:

1. I am counsel for Petitioner in removal proceedings . I have personal knowledge of the facts stated.
2. On December 23, 2025, I appeared with Petitioner at the Immigration Court bond hearing ordered by this Court.
3. At the conclusion of the hearing, the Immigration Judge stated on the record that release on bond was granted and set bond at \$25,000. DHS stated it reserved appeal.
4. As of December 25, 2025, counsel does not see in ECAS a written custody order or any filing reflecting Form EOIR-43 or a custody appeal; given intervening federal holidays, ECAS posting delays are foreseeable. Petitioner remains detained.
5. Because the Court's deadline is December 26, 2025, Petitioner cannot wait for confirmation of DHS filings without risking forfeiture of timely relief.
6. I declare under penalty of perjury that the foregoing is true and correct.

Dated: 12/25/2025

Anton Vsevolodov

A handwritten signature in black ink, appearing to read "Anton Vsevolodov", is written over a series of horizontal dashed lines.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BULAT SAMBUEV,

Petitioner,

v.

TONYA ANDREWS, et al.,

Respondents.

No. 1:25-cv-01814-DJC-AC

[PROPOSED] ORDER GRANTING
PETITIONER'S RENEWED EMERGENCY
MOTION FOR TEMPORARY RESTRAINING
ORDER AND FOR PRELIMINARY INJUNCTION;
SETTING HEARING AND BRIEFING SCHEDULE

Having considered Petitioner's Renewed Emergency Motion for Temporary Restraining Order and Preliminary Injunction, the supporting papers, and the record in this matter, and for good cause shown, IT IS HEREBY ORDERED:

Petitioner's Renewed Emergency Motion is GRANTED as follows.

Respondents and their officers, agents, servants, employees, and attorneys are TEMPORARILY RESTRAINED from continuing to detain Petitioner, and shall take all steps necessary to facilitate Petitioner's release from ICE custody promptly upon:

(a) Petitioner posting the \$25,000 immigration bond set by the Immigration Judge on December 23, 2025; and

1 b) absent any valid stay or other legal bar to execution of the Immigration Judge's
2 bond release order. If Respondents contend that a stay or other legal basis prevents
3 release, Respondents shall file and serve a status report by _____ at
4 _____ identifying the basis for continued detention and attaching supporting
5 documentation.

6 This Temporary Restraining Order shall remain in effect until _____ at
7 _____, or until further order of the Court, whichever occurs first.

8 A hearing on Petitioner's Motion for Preliminary Injunction is set for _____ at
9 _____ before District Judge Daniel J. Calabretta, Courtroom _____, at
10 _____.

11 Respondents shall file and serve any opposition to the Motion for Preliminary
12 Injunction by _____.

13
14 Petitioner shall file and serve any reply by _____.

15 Security (Fed. R. Civ. P. 65(c)): No security shall be required / security is waived
16 OR security is set in the amount of \$_____.
17

18 IT IS SO ORDERED.

19 Dated: _____

20 DANIEL J. CALABRETTA

21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27
28

1 BULAT SAMBUEV
2 611 FRONTAGE RD
3 MCFARLAND,
4 CA 93250
5 PRO SE

7 IN THE UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 Bulat Sambuev,
10 Plaintiff,
vs.

No. 1:25-cv-01814-DJC-AC

11 TONYA ANDREWS, et al.

12 Defendant(s),

PROOF OF SERVICE

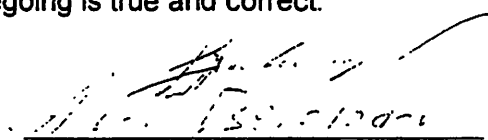
13 _____ /

14 I, the undersigned, hereby certify that I am over the age of eighteen years and
15 on December 26th, 2025, I served a copy of
16 **PETITIONER'S FURTHER BRIEF IN SUPPORT OF REQUESTED INJUNCTIVE RELIEF**
17 **DENIED IN THE COURT'S ORDER AND RENEWED EMERGENCY MOTION FOR PRELIMINARY**
18 **INJUNCTION (AND, IN THE ALTERNATIVE, TEMPORARY RESTRAINING ORDER)**
by placing a copy in a postage paid envelope addressed to the person hereinafter listed
by depositing said envelope in the United States Mail:

19 U.S. Attorney's Office 2500 Tulare St. Fresno, CA 93721
Antonio Jose Pataca

20 US Attorney's Office- 2241 Unit Eastern District of California
21

22 I declare under penalty of perjury that the foregoing is true and correct.
23
24



(Signed)