IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

SALMON MAMADZHONOV, Petitioner, v. CRYSTAL CARTER, Warden, FCI-Leavenworth; TODD LYONS, Acting Director, ICE; KRISTI NOEM, Secretary of Homeland Security; and PAMELA BONDI, Attorney General, Respondents.	)	Case No. 26-3038-JWL

RESPONSE TO § 2241 HABEAS PETITION AND ORDER TO SHOW CAUSE

This matter is before the Court on the *pro se* petition of Salmon Mamadzhonov ("Petitioner") for a writ of habeas corpus under 28 U.S.C. § 2241. Petitioner, a noncitizen, alleges that his detention is improper because his removal is not significantly likely in the reasonably foreseeable future. In compliance with the Court's Order to Show Cause, Doc. 3, Respondents respectfully submit this response. The § 2241 habeas petition should be denied because Petitioner has not yet been detained beyond the presumptively reasonable six-month period.

STATEMENT OF FACTS

The following facts are based on the declaration of Joseph L. Carroll, a Deportation Officer for ICE Enforcement and Removal Operations ("ERO") of the United States Department of Homeland Security ("DHS"). Exhibit A, Carroll Decl. ¶¶ 1-4. Petitioner was born in Pongoz, Tajikistan. *Id.* ¶ 5. He is a citizen of Tajikistan and Russia. *Id.* On July 22, 2023, Petitioner, with his parents and siblings, applied for admission into the United States at the Camino Real International Bridge in Eagle Pass, Texas. *Id.* ¶ 6. On July 22, 2023, DHS placed Petitioner in

removal proceedings upon the issuance of a Notice to Appear ("NTA"), charging him as inadmissible to the United States pursuant to section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1182(a)(7)(A)(i)(I), as an alien, who at the time of application for admission, was not in possession of valid or required documents. *Id.* ¶ 7. On September 29, 2023, Petitioner filed an application for relief with the Immigration Court. *Id.* ¶ 8.

On August 11, 2025, Petitioner and his father were arrested by ICE Fugitive Operations and taken into custody. *Id.* ¶ 10. On April 25, 2025, Petitioner, through counsel, filed written pleadings to the allegations and charge on the NTA. *Id.* ¶ 9. On August 25, 2025, Petitioner appeared before the Kansas City Immigration Court. Based on the written pleadings previously filed in Petitioner's case, the Immigration Judge sustained the charge of inadmissibility contained in the NTA. *Id.* ¶ 11. The case was scheduled for a final hearing on Petitioner's application for relief on October 30, 2025. *Id.*

On October 21, 2025, Petitioner filed a motion for continuance of the October 30, 2025 hearing. *Id.* ¶ 12. The motion was granted by the Immigration Judge on October 27, 2025. The case was scheduled for a final hearing on December 5, 2025. *Id.* On December 3, 2025, Petitioner and DHS filed a Stipulation to Order of Removal and Motion to Waive Hearing, withdrawing Petitioner's application for relief with prejudice, requesting a removal order to Russia, and waiving appeal of the Immigration Judge's order. *Id.* ¶ 13. The Immigration Judge granted the joint motion on the same day and ordered Petitioner removed to Russia. *Id.*

Petitioner was issued a Russian passport on March 17, 2020. *Id.* ¶ 17. That passport expired on March 17, 2025. *Id.* Petitioner was also issued a Tajik passport on September 11, 2020. *Id.* That passport is likewise expired, as of September 10, 2025. *Id.* On or about December 9, 2025, ERO began preparing a travel document request for Petitioner. *Id.* ¶ 18. On or about December 10, 2025,

a travel document request packet was emailed to Removal and International Operations ("RIO"). *Id.* ¶ 19. On or about February 21, 2026, a Detention and Deportation Officer ("DDO") with ERO's Removal Management Division ("RMD") submitted the travel document request to the Russian Consulate in New York City, New York. *Id.* ¶ 21. On or about March 8, 2026, a DDO with RMD sent another copy of the travel document request to the Russian Consulate in New York City, and an additional copy was sent to the Russian Consulate in Houston, Texas. *Id.* ¶ 23. The Consulate in Houston has advised that they will be handling the case going forward. *Id.* As of today's date, the travel document request remains pending. *Id.* ¶ 25. ICE will continue its efforts to effectuate Petitioner's removal and will update the Court on any further developments in this matter. *Id.* ¶ 26.[1]

ARGUMENT

"The federal district courts have habeas corpus jurisdiction to consider the statutory and constitutional grounds for immigration detention that are unrelated to a final order of removal." *Zhiriakov v. Barr*, No. 20-3141-JWL, 2020 WL 3960442, *6 (D. Kan. July 13, 2020) (citation omitted). To obtain habeas corpus relief, a petitioner must demonstrate that "[h]e is in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3).

Upon the entry of a final removal order, "the Attorney General 'shall detain the alien' during the 90-day removal period established under 8 U.S.C. § 1231(a)(2)." *Zhiriakov*, 2020 WL 3960442, at *8 (citations omitted). "Generally, the government is required to remove the alien held in its custody within the 90-day removal period." *Garcia Uranga v. Barr*, No. 20-3162-JWL, 2020 WL 4334999, *4 (D. Kan. July 27, 2020) (citing 8 U.S.C. § 1231(a)(1)(A)-(B)). Nevertheless, "[i]f

[1] Although Petitioner has not yet updated his address with the Court, Petitioner was transferred to the Midwest Regional Reception Center in Leavenworth, Kansas, on or about March 23, 2026. Carroll Decl., ¶ 24. Respondents will therefore mail this filing to Petitioner's new location and his location listed with the Court. *See infra* Certificate of Service, p. 5.

removal cannot be carried out within the removal period, inadmissible aliens may be detained beyond the removal period under certain circumstances." *Id.* (citing 8 U.S.C. § 1231(a)(6)).

Specifically, "the detention of an alien subject to a final order of removal for up to six months is presumptively reasonable in view of the time required to accomplish removal." *Zhiriakov*, 2020 WL 3960442, at *8 (citing *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001)). "Beyond that period, if the alien shows that there is 'no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.'" *Garcia Uranga*, 2020 WL 4334999, at *4 (quoting *Zadvydas*, 533 U.S. at 701). "The six-month presumption" thus "does not mean that every alien must be released after that time, but rather an alien may be detained 'until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.'" *Zhiriakov*, 2020 WL 3960442, at *8 (quoting *Zadvydas*, 533 U.S. at 701).

Here, although Petitioner was taken into custody on August 11, 2025, Petitioner's order of removal did not become final until December 3, 2025. Carroll Decl., ¶¶ 10, 13. Petitioner's detention therefore falls well within the presumptively reasonable six-month period to accomplish removal discussed in *Zadvydas*. *Zhiriakov*, 2020 WL 3960442, at *8 (citing *Zadvydas*, 533 U.S. at 701). Moreover, Petitioner held a valid Russian passport until 2025, and ICE has been in contact with the Russian Consulate in order to obtain a new travel document for Petitioner in recent months. Carroll Decl., ¶¶ 17, 21-25. As such, Petitioner has not shown that his post-removal detention is unreasonable or unconstitutional. *See Zhiriakov*, 2020 WL 3960442, at *9.

CONCLUSION

For the foregoing reasons, the Court should enter judgment against Petitioner on his § 2241 habeas petition.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 30, 2026, the foregoing was electronically filed with the Clerk of the Court by using the CM/ECF system, which will provide notice to all registered parties. I further certify that I will cause a copy of the foregoing and the notice of electronic filing to be placed in the United States mail, postage prepaid, addressed to the following non-CM/ECF participant:

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/s/ *Audrey D. Koehler*
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