IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

DILSHOD SIDIKOV, 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. 26-3041-JWL

RESPONSE TO § 2241 HABEAS PETITION AND ORDER TO SHOW CAUSE

This matter is before the Court on the petition of Dilshod Sidikov ("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.[1] 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 there is significant likelihood of removal in the reasonably foreseeable future.

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 1, Carroll Decl. ¶¶ 1-4. Petitioner was born in Pongoz, Tajikistan. *Id.* ¶ 5. He is a citizen of Tajikistan and Russia. *Id.* On June 20, 2023, Petitioner, with

[1] On or about March 23, 2026, Petitioner was transferred from the Federal Correctional Institution in Leavenworth, Kansas, to the Midwest Regional Reception Center, also in Leavenworth, Kansas. Exhibit 1, Carroll Decl. ¶ 31. Respondents will therefore mail this filing to Petitioner's new location and his location listed with the Court. *See infra* Certificate of Service, p. 8.

his spouse and children, applied for admission into the United States at the San Ysidro, California port of entry. *Id.* ¶ 6.

A. Removal Proceedings

On June 20, 2023, DHS placed Petitioner, his wife, and children in removal proceedings upon the issuance of a Notice to Appear ("NTA"), charging Petitioner 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, is 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 June 24, 2025, Petitioner was arrested by ICE and taken into custody. *Id.* ¶ 9. On July 9, 2025, Petitioner appeared before the Kansas City Immigration Court. *Id.* ¶ 10. The case was reset to July 23, 2025, for pleadings on the allegations and charge in the NTA. *Id.* On July 18, 2025, Petitioner, through counsel, filed written pleadings to the allegations and charge on the NTA. *Id.* ¶ 11. On July 23, 2025, Petitioner again appeared before the Kansas City Immigration Court. *Id.* ¶ 12. The Immigration Judge sustained the allegations and charge of inadmissibility contained in the NTA. *Id.* The case was scheduled for a hearing on Petitioner's application for relief on August 21, 2025. *Id.* A hearing on Petitioner's application for relief was held on August 21, 2025. *Id.* ¶ 13. Testimony from Petitioner was taken. *Id.* The case was reset to August 28, 2025, for testimony from Petitioner's wife. *Id.* Petitioner's wife testified at the hearing held on August 28, 2025. *Id.* ¶ 14.

B. Actions Post-Order of Removal

On September 2, 2025, the Immigration Judge issued a written decision denying Petitioner's application for relief and ordering his removal to Russia, with Tajikistan and Uzbekistan as alternative countries of removal. *Id.* ¶ 15. The Immigration Judge reserved appeal

for both parties. *Id.* An appeal of the Immigration Judge's decision was due on or before October 2, 2025. *Id.* ¶ 17. No appeal of the Immigration Judge's decision was taken by either party. *Id.* On or about September 23, 2025, Petitioner's wife and children voluntarily departed the United States. *Id.* ¶ 16.

Petitioner was issued a Russian passport on July 13, 2018, valid until July 13, 2028. *Id.* ¶ 21. Local ERO is not in possession of this passport, however. *Id.* On or about October 18, 2025, a travel document request packet was emailed to Removal and International Operations ("RIO") for review. *Id.* ¶ 23. On or about October 21, 2025, the travel document request was mailed to the Detention and Deportation Officer ("DDO") assisting with this case, for submission to the Russian consulate. *Id.* ¶ 24. On or about February 2, 2026, local ERO reached out to RIO for an update on the travel document request. *Id.* ¶ 26. On or about February 3, 2026, a DDO advised that the travel document request is pending citizenship verification. *Id.* ¶ 27.

On or about March 17, 2026, DDO advised that Russia has confirmed Petitioner's citizenship and is ready to issue a travel document. *Id.* ¶ 30. The Russian consulate requires a travel itinerary prior to the issuance of a travel document, so the DDO advised local ERO to prepare a travel itinerary for removal to Russia. *Id.* On or about March 24, 2026, ERO prepared a travel itinerary for Petitioner. *Id.* ¶ 32. Petitioner is currently scheduled for removal from the United States via commercial air in mid-April, pending the issuance of the travel document following his scheduled consular interview. *Id.* ¶ 34. Petitioner is scheduled for an interview with the Russian Consulate in Houston, Texas on April 7, 2026. *Id.* ¶ 33.

Because of the foregoing facts, ERO believes that there is a significant likelihood that Petitioner will be removed from the United States in the reasonably foreseeable future. *Id.* ¶ 35.

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 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).

A. Petitioner's *Zadvydas* Claim (Counts I-V)

Here, Petitioner has been detained for approximately six months since his order of removal became final. Carroll Decl., ¶¶ 15-17; 8 C.F.R. § 1241.1(c). During that time, ICE has worked diligently to remove Petitioner from the United States, including by submitting a travel document request, following up on the status of that request, and preparing a travel itinerary for Petitioner after Petitioner's Russian citizenship was confirmed. *Id.* ¶¶ 24-32. As a result of this diligence, Petitioner is scheduled for an interview with the Russian Consulate in Houston, Texas on April 7, 2026, and for removal from the United States via commercial air in mid-April, pending the issuance of the travel document following his consular interview. *Id.* ¶¶ 33-34. As such, there is a significant likelihood that Petitioner will be removed from the United States in the reasonably foreseeable future and the Court should deny Petitioner's habeas petition. *See Soudom v. Warden*, No. 25-3063-JWL, 2025 WL 1594822, at *2 (D. Kan. May 23, 2025) (concluding that a significant likelihood of removal in the reasonably foreseeable future remained where officials had been actively working with the petitioner's home country to secure removal).

Moreover, Petitioner presents no evidence that his removal is not significantly likely to occur in the reasonably foreseeable future. Instead, Petitioner alleges only that he has not yet been removed to Russia and that there have been no concrete steps taken toward his removal—an allegation that conflicts with Petitioner's allegations that he has cooperated with ICE's efforts to remove him by providing information, completing necessary forms, and attending interviews. Pet., Doc. 1, ¶¶ 15-16. As such, the Court should deny the petition.

B. Petitioner's Regulatory Violation Claim (Count VI)

Petitioner also alleges that DHS has failed to conduct his post-order custody reviews in a timely manner and that he was not provided with an interview opportunity at the start or during his detention period. Pet., Doc. 1, ¶¶ 48-51. First, 8 C.F.R. §§ 241.4 and 241.13 govern detention

of aliens under a final order of removal. 8 C.F.R. §§ 241.13(a), (b)(1). Because Petitioner did not have a final order of removal when he was taken into custody in June 2025, 8 C.F.R. §§ 241.4 and 241.13 did not govern Petitioner's detention at that time. Carroll Decl. ¶¶ 9, 15; *see also* 8 C.F.R. §§ 241.4; 241.13(b)(1). As such, 8 C.F.R. §§ 241.4(*l*)(1) and 241.13(i)(3), which mandate initial informal interviews for aliens who (1) are subject to a final order of removal, (2) were released under an order of supervision, and (3) have that order of supervision revoked, are not applicable to Petitioner. *See* 8 C.F.R. §§ 241.4(*l*)(1); 241.13(i)(3).

Further, Petitioner's allegation that Respondents have not complied with 8 C.F.R. §§ 241.4 and 241.13 by failing to conduct his post-order custody reviews in a timely manner is contradicted by DO Carroll's Declaration and the relevant regulations. Petitioner's 90-day removal period started on October 3, 2025, when his order of removal became final. Carroll Decl., ¶¶ 15-17; 8 C.F.R. § 1241.1(c); 8 U.S.C. § 1231(a)(1)(B)(i). On October 15, 2025, Petitioner was served with a Notice to Alien of File Custody Review. Carroll Decl., ¶ 22. On November 25, 2025, Petitioner was served with a Decision to Continue Detention notice, informing him that his custody status had been reviewed, and that he would not be released from ICE custody. *Id.* ¶ 25.

Petitioner's 90-day removal period expired on January 1, 2026, and Petitioner then became entitled to custody review procedures under 8 C.F.R. § 241.4. *Id.* ¶¶ 15-17; 8 C.F.R. §§ 1241.1(c); 241.4(a); 8 U.S.C. § 1231(a)(1)(B)(i).[2] As such, Petitioner was served with a Notice to Alien of Interview for Review of Custody Status on February 6, 2026, and was interviewed on February 18, 2026. Carroll Decl., ¶¶ 28, 29. Because Petitioner's allegation that the relevant regulations have not been followed is not tied to any basis in law or fact, the Court should also decline to grant

[2] Section 241.13 does not govern Petitioner's custody reviews as it establishes review procedures for aliens who have "provided good reason to believe there is no significant likelihood of removal to the country to which he or she was ordered removed, or to a third country, in the reasonably foreseeable future." 8 C.F.R. § 241.13(a); *see also* 8 C.F.R. § 241.4(b)(4).

Petitioner habeas relief on this basis. If, however, the Court were to determine that a regulation had not been followed, the Court should order substitute process, rather than release. *Olmedo v. United States Immigration and Customs Enforcement*, 2025 WL 2821860, at *3 (D. Kan. Oct. 3, 2025).

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 April 2, 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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