UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MAXIM AVILOV,

Petitioner,

v.

Brian MCSHANE Field Office Director of Enforcement and Removal Operations, Philadelphia Field Office, Immigration and Customs Enforcement; Markwayne MULLIN, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Todd Blanche, Acting U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW; J.L. JAMISON, Warden of FEDERAL DETENTION CENTER PHILADELPHIA

Respondents.

Case No. 2:26-cv-2431

MOTION FOR EXPEDITED CONSIDERATION

MOTION TO EXPEDITE

NOW COMES, Petitioner, by and through his undersigned attorney and moves as follows:

1. Petitioner, Maxim Avilov, presents this Motion to the Court requesting expedited consideration of the Amended Petition for Writ of Habeas Corpus as there has been a substantial change in Petitioner's circumstances that would lead to Petitioner suffering irreparable personal injury if he were to remain in detention.
2. Petitioner had an Individual Hearing regarding his asylum case scheduled on June 5, 2026. Petitioner moved for a continuance of the hearing as a result of his physical condition. The Motion to Continue Hearing was filed by his immigration attorney, Karyna Schnall, and is attached hereto as Exhibit 1. Petitioner has had a severe chest cold for approximately three weeks and has not received any medical treatment. The severity of his condition is confirmed by the fact that the hearing was continued because he could not engage with the court verbally. Petitioner is unable to speak with counsel or family and exhibits symptoms consistent with a severe upper respiratory infection. Petitioner will not recover from this illness without rest and proper medical care. The Order of the Immigration Judge continuing the hearing upon request of Respondent (Petitioner) for reason of illness is attached as Exhibit 2.
3. Petitioner and his attorneys are very concerned about his physical wellbeing and are fearful that his continued detention will lead to severe consequences for Petitioner's health.

4. Respondents will not be prejudiced if the motion is granted because the requested relief is merely that the Respondents will be required to schedule a bond hearing within a set period of time.
5. Petitioner requests that this Honorable Court issue a decision regarding the Amended Petition for Writ of Habeas Corpus as expeditiously as possible, preferably prior to June 12, 2026, if the Court is able.
6. WHEREAS, the Petitioner requests that this Honorable Court grant this Motion to ensure the health and safety of Petitioner.

Respectfully Submitted,

/s/ Lynne A. Jaworski

Lynne Jaworski, Esq.
Bar ID No. 336677
Attorney for Petitioner

CERTIFICATION OF SERVICE

I, Lynne A. Jaworski, Esq., certify that on June 10, 2026, I served copies of the following documents:

Motion for Expedited Consideration

Via ECF filing system and courtesy copy email.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. (See Rule 1:4-4(b))

6/10/2026 s/ Lynne A. Jaworski

Date Signature

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DETAINED

ASTRUM LEGAL I, PLLC
Karyna Schnall, Esq.
COUNSEL FOR RESPONDENT
EOIR# JJ362414
210 E Street Road, Ste 3E
Feasterville, PA 19053
kschnallesq@gmail.com
Office: (973) 615 7131

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ELIZABETH, NEW JERSEY

IN THE MATTER OF:	)	
	)	
AVILOV, Maxim	)	**File No.** [redacted]
Respondent	)	In Removal Proceedings
	)	

Immigration Judge: Pearsall, Gurney F.
Next Hearing: June 5, 2026
Hearing Time: 8:30 AM

RESPONDENT'S EMERGENCY MOTION TO CONTINUE INDIVIDUAL HEARING

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ELIZABETH, NEW JERSEY

IN THE MATTER OF:	)	
	)	
AVILOV, Maxim	)	**File No.** **A** [redacted]
Respondent	)	In Removal Proc
	)	

RESPONDENT'S EMERGENCY MOTION TO CONTINUE INDIVIDUAL HEARING

Respondent, by and through the undersigned counsel, respectfully requests that this Honorable Court grant a short continuance of the Individual Hearing in these proceedings, due to Respondent's illness.

In support of this motion, Respondent avers the following:

1. Respondent's Individual Hearing is currently scheduled for June 5, 2026.
2. On June 4, 2026, during a legal video conference, Respondent informed undersigned counsel that he had been suffering from an illness for approximately two weeks. According to Respondent, his condition has fluctuated, temporarily improving before worsening again.
3. Respondent further advised counsel that, for several days preceding the video conference, he had been unable to communicate with counsel or family members by telephone because the detention facility's voice-recognition system repeatedly failed to recognize his voice.
4. During the video conference, undersigned counsel personally observed that Respondent was experiencing persistent coughing, severe hoarseness, and significant difficulty speaking. Respondent's symptoms were readily apparent and substantially interfered with

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his ability to communicate. Undersigned counsel instructed Respondent to seek medical help immediately.

5. Given Respondent's current illness, he is not physically capable of meaningfully participating in a life-altering Individual Hearing. Respondent is suffering from persistent coughing, loss of voice, and significant difficulty speaking. Under these circumstances, requiring Respondent to testify and proceed with his merits hearing would be fundamentally unfair and would deprive him of a meaningful opportunity to present his claims for relief.
6. Respondent is entitled to due process and a full and fair hearing. See *Shaughnessy v. United States ex re. Meze*i, 345 U.S. 206, 212 (1953); *Ramos-Portillo v. Barr*, 919 F.3d 955, 963 (5th Cir. 2019).
7. This request is made in good faith and not for purposes of delay. Respondent seeks only a brief continuance to recover from his illness and be able to meaningfully participate in his hearing. All evidence has already been submitted to the Court, and the requested continuance will not prejudice the Department of Homeland Security. This motion is being filed promptly to provide the Court, in light of its busy calendar, with advance notice of Respondent's medical condition and request for a short continuance.

WHEREFORE, for the foregoing reasons, it is respectfully requested that this Court continue this case to a later day.

Respectfully submitted,

Karyna Schnall

Karyna G. Schnall, Esq.
Attorney for Respondent

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ELIZABETH, NEW JERSEY

IN THE MATTER OF:	)	
	)	
AVILOV, Maxim	)	**File No.** **A** [redacted]
Respondent	)	In Removal Proc
	)	

PROOF OF SERVICE

I, Karyna G. Schnall, Esq., served a copy of this Respondent's Emergency Motion to Continue Individual Hearing to:

Office of the Principal Legal Advisor, York
2350 Freedom Way, Suite 254
York, PA 17402

Via ECAS

Karyna Schnall
Karyna Schnall, Esq.
Attorney for Respondent

06/04/2026
Date

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE OF IMMIGRATION REVIEW
UNITED STATES IMMIGRATION COURT
ELIZABETH, NEW JERSEY

IN THE MATTER OF:	)	
	)	
AVILOV, Maxim	)	**File No.** **A** [redacted]
Respondent	)	In Removal Proceedings
	)	

ORDER OF THE IMMIGRATION JUDGE

Upon consideration of the **RESPONDENT'S EMERGENCY MOTION TO CONTINUE INDIVIDUAL HEARING,** it is HEREBY ORDERED that the motion be • **GRANTED** • **DENIED** because:

- DHS does not oppose the motion.
- The respondent does not oppose the motion.
- A response to the motion has not been filed with the court.
- Good cause has been established for the motion.
- The court agrees with the reasons stated in the opposition motion.
- The motion is untimely per _____ .
- Other:

Deadlines

- The application(s) for relief must be filed by _____ .
- The respondent must comply with DHS biometrics instructions by _____ .

_____ _____
Date Immigration Judge

Certificate of Service

This document was served by: [ ] Mail [ ] Personal Service
To: [ ] Alien [ ] Alien c/o Custodial Officer [ ] Alien's Atty/Rep [ ] DHS

Date: _____ By Court Staff _____

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ELIZABETH IMMIGRATION COURT

Respondent Name:
AVILOV, MAXIM

To:
Schnall, Karyna
210 E Street Road
Suite 3E
Feasterville Trevose, PA 19053

A-Number:
[redacted]
Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
06/05/2026

ORDER OF THE IMMIGRATION JUDGE

☑ Respondent ☐ Department of Homeland Security has filed a motion for a continuance of the hearing scheduled for 06/05/2026

Upon reading and considering the motion, and any opposition from the non-moving party, the motion is:

☑ granted because good cause has been established for the requested continuance. 8 C.F.R. § 1003.29.

☐ denied because good cause has not been established for the requested continuance. 8 C.F.R. § 1003.29.

☑ Further explanation:

Good cause established by Respondent's illness, due diligence, and by the fact that this is Respondent's first request for a reset. However, this case is part of the detained docket, making it a priority matter. As a result, both parties must be prepared to proceed at the next assigned date.

☐ The hearing is rescheduled until
☑ The immigration court will serve Respondent with notice of the next hearing date.

Immigration Judge: Pearsall, Gurney 06/05/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : AVILOV, MAXIM | A-Number [redacted]

Riders:

Date: 06/05/2026 By: Pearsall, Gurney, Immigration Judge