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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 **SOSNOVSKII ALEKSANDR,**

12
13 **Petitioner,**

14 **v.**

15 **JEREMY CASEY, et al.,**

16 **Respondents.**
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Case No.: CV-26-3454-JLS-AGH

**RETURN TO PETITION FOR WRIT
OF HABEAS CORPUS**

1 I. INTRODUCTION

2 Aleksandr Sosnovskii (“Petitioner”) has filed a petition for a Writ of Habeas
3 Corpus pursuant to 28 U.S.C. § 2241. Petitioner requests the Court to order his
4 immediate release from custody. Respondent therefore requests the Court deny the
5 habeas petition.

6
7 II. BACKGROUND

8 Petitioner is a citizen of Russia and a national of Belarus. *See* Declaration of
9 Edgar Olvera at ¶ 4. On August 18, 2024, Petitioner applied for admission into the
10 United States. *Id.* at ¶ 5. Petitioner was taken into DHS custody and served with a Notice
11 to Appear charging him with inadmissibility under the Immigration and Nationality
12 (INA) Act § 212(a)(7)(A)(i)(I). *Id.* at ¶ 5. On July 17, 2025, the IJ issued a decision
13 ordering Petitioner removed to Belarus and Russia; however, granted withholding of
14 removal to Russia and Petitioner filed an appeal. *Id.* at ¶ 8. On April 8, 2026, the BIA
15 issued a decision dismissing Petitioner’s appeal. *Id.* at ¶ 9. On April 21, 2026, Petitioner
16 filed a Petition for Review with the United States Court of Appeals for the Ninth Circuit.
17 *Id.* at ¶ 9. On April 22, 2026, Petitioner expressed a desire to an ICE officer to be
18 removed from the United States and Petitioner filed a motion to voluntarily dismiss
19 their Petition for Review. *Id.* ¶ 10. On May 6, 2026, the Ninth Circuit granted
20 Petitioner’s motion for voluntary dismissal and his removal proceedings. *Id.* at ¶ 11.
21 Pursuant to CFR 8 § 1241.1, Petitioner’s removal became effective as of April 8, 2026,
22 as that is the date that the BIA issued the dismissal.

23 Since the dismissal, DHS has worked to diligently to effectuate his removal but
24 is *not* seeking to remove Petitioner to a third country. *See* Declaration of Edgar Olvera
25 at ¶ 12. On May 22, 2026, ICE submitted a travel document request to Belarus to ERO
26 Removal and International (RIO) headquarters for review. *Id.* at ¶ 14. On June 7, 2026,
27 ICE contacted HQ RIO for an update. *Id.* at ¶ 15. On June 23, 2026, ICE submitted
28 another travel document request to HQ RIO and sought an update on the request on July

1 9. *Id.* at ¶ 16-17. On July 15, 2026, HQ RIO requested ICE make edits to the travel
2 document request and ICE made changes and re-submitted the travel document request
3 to HQ RIO for approval. *Id.* at ¶ 18. A response on that request is pending. *Id.* ICE
4 anticipates a travel document will be issued soon. *Id.* at ¶ 19. Once ICE receives a travel
5 document, his removal can be effectuated promptly. *Id.*

7 III. ARGUMENT

8 A. Petitioner's Detention is Lawful and He Has Not Established That There 9 is No Significant Likelihood of Removal in the Reasonably Foreseeable 10 Future

11 Petitioner's petition should be denied because he is properly detained under 8
12 U.S.C. § 1231(a) and because his post-final order removal period has lasted less than
13 six months. *See* Declaration of Edgar Olvera. Respondent is working to acquire the
14 necessary travel documents to effectuate Petitioner's removal. *Id.* Accordingly,
15 Petitioner has not met his burden of rebutting the presumptively reasonable period of
16 detention.

17 "Section 241(a) of the Immigration and Nationality Act (INA), codified at 8
18 U.S.C. § 1231(a), authorizes the detention of noncitizens who have been ordered
19 removed from the United States." *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 575
20 (2022). The INA provides that an alien ordered removed must be detained for 90 days
21 pending the government's efforts to secure the alien's removal through negotiations
22 with foreign governments. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General "shall
23 detain" the alien during the 90-day removal period under subsection (a)(1)).

24 Section 1231(a)(6) "authorizes further detention if the Government fails to
25 remove the alien during those 90 days." *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001).
26 Detention authority under this statute, however, is limited to "a period reasonably
27 necessary to bring about the alien's removal from the United States" and "does not
28 permit indefinite detention." *Id.* at 689. The Supreme Court has held that a six-month

1 period of post-removal detention constitutes a “presumptively reasonable period of
2 detention.” *Id.* at 701. Release is not mandated after the expiration of the six-month
3 period unless “there is no significant likelihood of removal in the reasonably foreseeable
4 future.” *Id.*

5 Here, Petitioner was ordered removed on July 17, 2025. *See* Declaration of Edgar
6 Olvera at ¶ 8. The Board of Immigration Appeals (BIA) dismissed Petitioner’s case on
7 April 8, 2026. *Id.* at ¶ 9. Thus, his order became final on April 8, 2026. Petitioner has
8 thus been in post-final order detention, under 8 U.S.C. sec. 1231(a) for less than four
9 months, which is within the six months of post-final order of removal confinement that
10 *Zadvydas* found to be presumptively reasonable. *See Zadvydas*, 533 U.S. at 700–01.

11 On this record, Petitioner cannot show that there is no significant likelihood of
12 removal in the reasonably foreseeable future, and it would be premature to reach that
13 conclusion before permitting ICE an opportunity to complete its diligent efforts to affect
14 his removal. “[E]vidence of progress, albeit slow progress, in negotiating a petitioner’s
15 repatriation will satisfy *Zadvydas* until the petitioner’s detention grows unreasonably
16 lengthy.” *Kim v. Ashcroft*, Case No. 02cv1524-J (LAB) slip op., at 7 (S.D. Cal. June 2,
17 2003) (finding that petitioner’s one-year and four-month detention does not violate
18 *Zadvydas* given respondent’s production of evidence showing governments’
19 negotiations are in progress and there is reason to believe that removal is likely in the
20 foreseeable future) [Exs. 26-34.]; *see also Sereke v. DHS*, Case No. 19cv1250 WQH
21 AGS, ECF No. 5 at *5 (S.D. Cal. Aug. 15, 2019) (“the record at this stage in the
22 litigation does not support a finding that there is no significant likelihood of Petitioner’s
23 removal in the reasonably foreseeable future.”) [Exs. 35-39.]; *Marquez v. Wolf*, Case
24 No. 20-cv-1769-WQH-BLM, 2020 WL 6044080 at *3 (denying petition because
25 “Respondents have set forth evidence that demonstrates progress and the reasons for
26 the delay in Petitioner’s removal”).

27 To the extent Petitioner is challenging ICE’s decision to detain him for the
28 purpose of removal, such a challenge is precluded by statute. *See* 8 U.S.C. § 1252(g)

1 (“Except as provided in this section and *notwithstanding any other provision of law*
2 (statutory or nonstatutory), *including section 2241 of Title 28, or any other habeas*
3 *corpus provision*, . . . no court shall have jurisdiction to hear any cause or claim by or
4 on behalf of any alien arising from the decision or action by the Attorney General to
5 commence proceedings, adjudicate cases, or *execute removal orders* against any alien
6 under this chapter.”) (emphasis added); *see also Reno v. Am.-Arab Anti-Discrimination*
7 *Comm.*, 525 U.S. 471, 483 (1999) (“There was good reason for Congress to focus
8 special attention upon, and make special provision for, judicial review of the Attorney
9 General’s discrete acts of commencing proceedings, adjudicating cases, and executing
10 removal orders—which represent the initiation or prosecution of various stages in the
11 deportation process.”) (simplified); *Limpin v. United States*, 828 Fed. App’x 429 (9th
12 Cir. 2020) (holding that the district court properly dismissed under 8 U.S.C. § 1252(g)
13 “because claims stemming from the decision to arrest and detain an alien at the
14 commencement of removal proceedings are not within any court’s jurisdiction”).

15 16 IV. CONCLUSION

17 For the reasons stated herein, Respondent respectfully requests that the Court
18 deny the relief requested in the petition.

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20 DATED: July 17, 2026

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