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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ALEKSANDR SOSNOVSKII,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security, et
al.

Respondents.

CASE NO.: 26-cv-03454-JLS-AHG

Traverse

**[Civil Immigration Habeas Petition
Under 28 U.S.C. § 2241]**

1 Mr. Sosnovskii is a 25-year-old that has been in immigration detention and
2 separated from his mother and younger brother for two years. It has now been
3 over 3.5 months since Mr. Sosnovskii's final order of removal. *See* Return, ECF
4 11 at 4 (recognizing that "his order became final on April 8, 2026"). In his
5 Petition, he argued that *Zadvydas*'s six-month presumptively reasonable removal
6 period is "just that—a presumption," which can be rebutted with sufficiently
7 compelling evidence. Petition, ECF 1 (citing string of examples where district
8 courts have granted *Zadvydas* relief before the six-month period has passed). In
9 the Amended Petition, he argued that there is compelling evidence of no
10 significant likelihood of removal to Belarus in the reasonably foreseeable future.

11 Part of the argument was that the government had an opportunity to make
12 efforts to remove Mr. Sosnovskii to Belarus after the IJ's original order from
13 December 9, 2024. Instead, the government appealed the withholding removal to
14 Russia appearing to recognize removal to Belarus was unlikely. Amended
15 Petition, ECF 10 at 14. This argument was based on Mr. Sosnovskii's
16 understanding that the IJ ordered him removed to Belarus and granted him
17 withholding of removal to Russia. ECF 10-1 at 3, ¶4. The BIA also understood
18 that the IJ "meant to designate Russia for withholding of removal because the [IJ]
19 specifically found that the [Mr. Sosnovskii] did not have a well-founded fear of
20 persecution in Belarus." *See* Exh. F, June 20, 2025 BIA Opinion.

21 It appears, however, that the IJ inadvertently failed to specify in its written
22 order of removal that the withholding of removal was as to Russia only. Exh. G,
23 Dec. 9, 2024 IJ Order.¹ This new information continues to support a grant of the
24 petition. This is because, rather than seeking a quicker correction of the written
25 order to mirror the oral pronouncement,² the government chose to appeal to the

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27 ¹ This information was not available to undersigned counsel at the time of the
28 amended petition. Following the filing of the Return, Government counsel provided
the BIA order to undersigned counsel upon request.

² U.S. Department of Justice, Executive Office for Immigration Review, Office of

1 BIA. Presumably, the government chose this route because it understood the
2 difficulty in removing Mr. Sosnovskii to Belarus. Moreover, Mr. Sosnovskii notes
3 he received a document from Belarus stating that he is not a citizen of that
4 country, making it unlikely that they will issue travel documents. ECF 10-1 at 3, ¶
5 9.

6 In its response, the government argues that because there is “evidence of
7 progress” involving negotiations to repatriate, there is no *Zadvydas* violation.
8 Return, ECF 11 at 4. But here, there is no evidence of progress. More than three
9 months after the latest IJ order became final, ICE still does not have travel
10 documents. Although the government presents evidence of internal efforts to
11 obtain travel documents, there is no evidence that the U.S. government has even
12 communicated with Belarus.

13 Thus, this Court should grant the habeas petition and order Mr.
14 Sosnovskii’s immediate release. Alternatively, this Court should order a status
15 report before the end of the six month presumptively reasonable period for
16 purposes of reevaluating the likelihood of removal in the reasonable future.
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20 Respectfully submitted,

21 Dated: July 24, 2026

s/ Zandra L. Lopez

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27 the Chief Immigration Judge, Immigration Court Practice Manual §§ 4.10(v)
28 (motion to amend) and 4.8 (motion to reconsider) (rev. Feb. 10, 2026), available at
<https://www.justice.gov/eoir/policy-manual-eoir/part-II/icpm/chapter>.