

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Ivan Rudiuk v. Merrick Garland, et al.

Case No. 3:25-cv-2600-BTM-SBC (S.D. Cal. Nov. 17, 2025) · No. 3:25-cv-2600-BTM-SBC · Decided
November 17, 2025

SUMMARY

The United States District Court for the Southern District of California granted Ivan Rudiuk’s petition for a writ of habeas corpus challenging his continued immigration detention. Applying *Zadvydas v. Davis*, the court found that the Government had not shown that Rudiuk’s removal to a third country was reasonably foreseeable. The court ordered Respondents to release Rudiuk under appropriate conditions or provide him with a hearing before an immigration judge by December 1, 2025, and retained jurisdiction to enforce the judgment.

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	November 17, 2025
DOCKET	3:25-cv-2600-BTM-SBC
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus challenging continued immigration detention after a final order of removal.
STANDARD OF REVIEW	The court assessed under <i>Zadvydas v. Davis</i> whether removal was reasonably foreseeable and whether the Government had adequately supported its position that removal was likely in the foreseeable future.
PRECEDENTIAL VALUE	Unpublished federal district court order; generally nonprecedential.
PARTIES	Ivan Rudiuk v. Merrick Garland, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- immigration
- due process

PRACTICE AREAS

- immigration law
- federal habeas corpus
- immigration detention

QUESTIONS PRESENTED

1. Whether continued detention after a final order of removal violated the limits recognized in *Zadvydas v. Davis* because removal was not reasonably foreseeable.
2. Whether the Government's conclusory assertion that Petitioner might be removed to an unidentified third country was sufficient to establish that removal was reasonably likely in the foreseeable future.
3. What relief was appropriate upon finding that removal was not reasonably foreseeable.

HOLDINGS

1. An alien may not be detained indefinitely after a final order of removal; detention is limited to the period reasonably necessary to bring about removal, and continued detention is impermissible when removal is not reasonably foreseeable.
2. A conclusory assertion that removal to an unidentified third country is likely is insufficient to establish that removal is reasonably foreseeable; the Government must provide real evidentiary support for its position.
3. The petition for a writ of habeas corpus was granted, and Respondents were required either to release Petitioner with appropriate conditions or supervision or provide a hearing before an Immigration Judge to determine whether he was a flight risk or danger to the community.

KEY QUOTATIONS

“The Court rules that Petitioner’s detention is limited “to a period reasonably necessary to bring about [his] removal from the United States.”” (at 1)

“Petitioner may not be detained indefinitely.” (at 1)

*“The Court in *Zadvydas* required federal habeas courts to assess the accuracy of the Government’s position that it is reasonably likely to remove a noncitizen.” (at 2)*

“The Government’s failure to do so is strong evidence that Petitioner’s removal to a third country is not reasonably likely in the foreseeable future.” (at 2)

FACTUAL BACKGROUND

An Immigration Judge ordered Ivan Rudiuk removed to Russia, but also granted withholding of removal to Russia, and the removal order became final. Rudiuk remained detained and alleged that his removal was not reasonably likely. The Government asserted that he might be removed to a third country, but Mexico, Ecuador, and Guatemala had declined to accept him, and the Government did not identify another prospective country or provide supporting evidence.

PROCEDURAL HISTORY

An Immigration Judge ordered Petitioner removed to Russia on January 13, 2025, while granting withholding of removal to Russia. The removal order became final on February 25, 2025. After the Government failed to identify a third country willing to accept Petitioner, Petitioner sought habeas relief challenging his continued

detention. The district court granted the petition and ordered release under appropriate conditions or a hearing before an Immigration Judge.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents shall either release Petitioner with appropriate conditions of release and/or supervision by December 1, 2025, or provide Petitioner a hearing before an Immigration Judge by that date to determine whether he is a flight risk or danger to the community. Respondents shall file a status report by December 3, 2025. The court retained jurisdiction to enforce the judgment.

CASES CITED

- *Zadvydas v. Davis*, 533 U.S. 678, 689-90, 699 (2001)
- *Rodriguez v. Robbins*, 715 F.3d 1127, 1139 (9th Cir. 2013)
- *Nadarajah v. Gonzales*, 443 F.3d 1069, 1082 (9th Cir. 2006)

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