

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Nikolay Koreyev v. R. Jones, et al.

No. CV-25-04880-PHX-DWL (DMF) · No. No. CV-25-04880-PHX-DWL (DMF) · Decided March 9, 2026

SUMMARY

A United States District Court for the District of Arizona Report and Recommendation addresses Nikolay Koreyev’s 28 U.S.C. § 2241 petition challenging his continued immigration detention under Zadvydas v. Davis. The magistrate judge recommends granting the petition and ordering Koreyev’s immediate release because the government did not show a significant likelihood of removal in the reasonably foreseeable future and did not oppose release.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Deborah M. Fine
JURISDICTION	United States District Court for the District of Arizona
DECIDED	March 9, 2026
DOCKET	No. CV-25-04880-PHX-DWL (DMF)
DISPOSITION	remanded
PROCEDURAL POSTURE	Report and recommendation on a petition under 28 U.S.C. § 2241 challenging continued immigration detention after a final order of removal.
STANDARD OF REVIEW	Under Zadvydas v. Davis, once a detained alien provides good reason to believe that removal is not significantly likely in the reasonably foreseeable future, the Government must provide sufficient evidence to rebut that showing. The report and recommendation also applied the habeas jurisdiction rule that jurisdiction attaches when the petition is filed and is not destroyed by a later transfer.
PRECEDENTIAL VALUE	Nonprecedential report and recommendation; subject to district court review and adoption.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- immigration
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court retained jurisdiction over the § 2241 petition after Koreyev was transferred from detention in Arizona to a facility in California.
2. Whether Koreyev's continued detention under 8 U.S.C. § 1231(a)(6) violated *Zadvydas v. Davis* because removal was not significantly likely to occur in the reasonably foreseeable future.
3. Whether the petition should be granted and Koreyev immediately released from immigration detention.

HOLDINGS

1. The District of Arizona retained jurisdiction over the § 2241 petition because Koreyev was confined in that district when the petition was filed, and his subsequent transfer did not destroy jurisdiction.
2. Koreyev's continued immigration detention was unlawful because he had shown that removal was not significantly likely in the reasonably foreseeable future, and respondents failed to rebut that showing with sufficient evidence.

KEY QUOTATIONS

"[J]urisdiction attaches on the initial filing for habeas corpus relief, and it is not destroyed by a transfer of the petitioner and the accompanying custodial change." (at 3)

"does not permit indefinite detention." (at 5)

"provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." (at 5)

*"Accordingly, the prospect and timing of Petitioner's possible removal is speculative, and Petitioner is entitled to release pursuant to *Zadvydas*, 533 U.S. at 699."* (at 7)

FACTUAL BACKGROUND

Koreyev was admitted to the United States in 1991 and was ordered removed by an immigration judge in 2000. He was previously detained from June 2002 until March 2003, when he was released under an order of supervision after Azerbaijan and Russia denied or failed to provide travel documents. ICE detained him again on May 16, 2025, pursuant to the order of supervision, and efforts during 2025 to obtain travel documents or a status update from Azerbaijan produced no response. At the time of the recommendation, he had been detained for nearly ten months, and respondents did not oppose his release.

PROCEDURAL HISTORY

Koreyev filed a § 2241 petition seeking release from immigration detention and initially named R. Jones, ICE, and DHS as respondents. The court dismissed ICE and DHS as improper habeas respondents, substituted CAFCC Warden Luis Rosa, Jr. for R. Jones, ordered an answer, and initially denied appointment of counsel without prejudice. After an answer opposing release, the court appointed counsel, granted discovery, and granted an extension to amend the petition. Respondent later notified the court that respondents did not oppose an order

releasing Koreyev, leading the magistrate judge to recommend granting the petition and ordering immediate release.

DISPOSITION

remanded

REMAND INSTRUCTIONS

No remand to a lower court was ordered. The magistrate judge recommended that the district judge grant the petition and order Koreyev immediately released from immigration custody. The recommendation was subject to objections under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72.

CASES CITED

- *Zadvydas v. Davis*, 533 U.S. 678 (2001)
- *Brown v. United States*, 610 F.2d 672, 677 (9th Cir. 1979)
- *Johnson v. Gill*, 883 F.3d 756, 761 (9th Cir. 2018)
- *Francis v. Rison*, 894 F.2d 353, 354 (9th Cir. 1990)
- *Santillanes v. U.S. Parole Commission*, 754 F.2d 887, 888 (10th Cir. 1985)
- *Seretse-Khama v. Ashcroft*, 215 F. Supp. 2d 37, 50 (D.D.C. 2002)
- *Smith v. Idaho*, 392 F.3d 350, 354 (9th Cir. 2004)
- *Stanley v. California Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994)
- *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)

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