

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Davydov v. U.S. Department of Homeland Security

Davydov · No. 25-cv-845-RSH-AHG · Decided July 21, 2025

SUMMARY

The United States District Court for the Southern District of California denied Aleksandr Davydov’s amended petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that his detention was governed by 8 U.S.C. § 1231 following the July 2, 2025 finalization of his removal order, and that his detention remained lawful under Zadvydas v. Davis. The court also rejected challenges to the merits of the removal order and denied the petition without prejudice to a future challenge if detention becomes unduly prolonged.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Robert S. Huie
JURISDICTION	United States District Court for the Southern District of California
DECIDED	July 21, 2025
DOCKET	25-cv-845-RSH-AHG
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from immigration detention and challenged the legality of his detention and related removal proceedings. The court considered the amended petition after granting leave to amend and denied it without prejudice.
STANDARD OF REVIEW	A § 2241 petitioner bears the burden of demonstrating that he is in custody in violation of the Constitution, laws, or treaties of the United States. The court assessed whether the alleged detention was unlawful and whether the petition presented claims cognizable in habeas.
PRECEDENTIAL VALUE	Unknown
PARTIES	Aleksandr Davydov v. Jeremy Casey, Warden, Imperial Regional Detention Facility, U.S. Department of Homeland Security

TOPICS

immigration detention

removal proceedings

immigration

civil procedure

PRACTICE AREAS

Immigration

Habeas corpus

Civil procedure

QUESTIONS PRESENTED

1. Whether Davydov's detention was unlawful because he allegedly had previously been granted humanitarian parole.
2. Whether Davydov's detention violated *Zadvydas v. Davis* because it was allegedly prolonged without an individualized bond hearing.
3. Whether the district court could review challenges to the merits of Davydov's removal order or his entitlement to relief from removal in a § 2241 habeas action.

HOLDINGS

1. Davydov failed to establish that he was granted humanitarian parole in connection with his August 2024 application for admission. His earlier parole authorization had expired upon his departure from the United States and, independently, by the end of its one-year term, so it did not entitle him to parole in the later immigration case.
2. Davydov's detention was lawful because his removal order had become administratively final only on July 2, 2025, and detention during the first six months after a final removal order is presumptively reasonable under *Zadvydas*.
3. The district court could not review removal-related legal or factual claims through the § 2241 petition because judicial review of such claims is channeled through a petition for review in the appropriate court of appeals.

KEY QUOTATIONS

“The Supreme Court has explained that “the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and ... the traditional function of the writ is to secure release from illegal custody.”” (at 4)

*“Under *Zadvydas*, based on the final order of removal that became administratively final on July 2, 2025, Petitioner’s detention at this time is lawful.”* (at 7)

“The Court therefore denies the Amended Petition, without prejudice to Petitioner filing a new petition in the event his immigration detention, following his removal order which became administratively final on July 2, 2025, becomes unduly prolonged.” (at 8)

FACTUAL BACKGROUND

Davydov, a Russian citizen, sought admission at the Calexico West Port of Entry in August 2024 and was placed in expedited removal proceedings after being found inadmissible for lacking a valid entry document. After he expressed fear of persecution or torture, an asylum officer found that he had a credible fear of torture, and he

was placed in § 1229a removal proceedings and detained. His request for custody redetermination was denied because he was subject to mandatory detention and was an arriving alien. The immigration judge later denied relief and ordered him removed to Russia; after Davydov withdrew his BIA appeal, the removal order became administratively final on July 2, 2025.

PROCEDURAL HISTORY

Davydov filed a § 2241 petition on April 7, 2025, initially naming DHS as the respondent. The court granted leave to amend, added the facility warden, and considered the amended petition and DHS's opposition. Davydov had been placed in removal proceedings, denied custody redetermination, ordered removed by an immigration judge, and had his appeal withdrawn and dismissed by the BIA, making the removal order administratively final. The district court denied the amended petition and directed the clerk to close the case.

DISPOSITION

writ_denied

CASES CITED

- Espinoza v. Sabol, 558 F.3d 83, 89 (1st Cir. 2009)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Rauda v. Jennings, 55 F.4th 773, 779 (9th Cir. 2022)
- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103, 116-20 (2020)
- Pinson v. Carvajal, 69 F.4th 1059, 1072 (9th Cir. 2023)
- J.E.F.M. v. Lynch, 837 F.3d 1026, 1031 (9th Cir. 2016)
- Zadvydas v. Davis, 533 U.S. 678, 701 (2001)
- J.L. v. Decker, No. 1:22-cv-2853-MKV, 2024 U.S. Dist. LEXIS 10894, at *2 (S.D.N.Y. Jan. 22, 2024)