

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)
)
Plaintiff,) NO. 25-CR-1801 SMD
)
vs.)
)
KOMILJON TOIROV,)
)
Defendant.)

RESPONSE TO ORDER TO SHOW CAUSE

The United States of America files this response to the Court's Order to Show Cause. Doc 22.

In its show cause order, the Court ordered the United States to advise the Court of Defendant's current whereabouts and to advise whether Defendant has been removed.

On May 29, 2025, Defendant was ordered released from custody on his own recognizance by the Honorable Jerry H. Ritter. Doc. 8. The Government appealed. Doc. 7. On June 18, 2025, this Court upheld Defendant's release. Doc. 16.¹ Following Defendant's release from custody, he was transferred to ICE custody. Likely owing to his nationality, he remains in ICE custody pending removal and is currently being held at the Otero County Processing Center. The Government does not currently have definitive information as to when he will be removed but was informed that his removal is not imminent.

This case is currently set for trial on August 4, 2025. Doc. 22. Given that Defendant remains in ICE custody, the Government requests that the Court not dismiss the charges at this time as it still remains possible that Defendant can be returned to court for his trial setting.

¹ The Government filed a notice of appeal to the Tenth Circuit on this issue. Doc. 23.

Respectfully submitted,

RYAN ELLISON
United States Attorney

/s/ Filed Electronically on 7/8/2025

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed the foregoing document using the Court's CM/ECF filing system which will send electronic notification to opposing counsel of record.

/s/ Filed Electronically on 7/8/2025

GRANT GARDNER
Assistant U.S. Attorney