

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

SERGEY SHABUROV,	:	
	:	
Petitioner,	:	
	:	Case No. 4:25-CV-45-CDL-AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION	:	
CENTER,	:	
	:	
Respondent.	:	

RESPONDENT'S RESPONSE TO COURT ORDER

On February 5, 2025, Petitioner filed a petition for a writ of habeas corpus (“the Petition”). ECF No. 1. Petitioner asserts that his continued detention is unconstitutional under *Zadvydas v. Davis*, 533 U.S. 678 (2001), and seeks release from custody. Pet. at 6-7, ECF No. 1. On February 27, 2025, Respondent filed his Response. ECF No. 4. On November 14, 2025, Petitioner filed a “Motion to Compel” in which he details new allegations of discussions with Immigration and Customs Enforcement (“ICE”) / Enforcement and Removal Operations (“ERO”) personnel and an exhibit purporting to be a letter from the Russian Consulate. ECF Nos. 11 & 11-1. On November 18, 2025, the Court issued an order directing Respondent to “outline any efforts at removal since February 2025 and specifically provide whether they have received travel documents for Petitioner.” ECF No. 12. Respondent files this response to the Court’s Order.

BACKGROUND

For ease of reference, Respondent includes a brief recitation of the background of the case. Petitioner is a native of the Soviet Union and citizen of Russia. Declaration of Christina Erickson (“Erickson Decl.”), ECF No. 4-1 at ¶ 3 & Ex. A. On September 24, 1992, Petitioner was admitted

to the United States at New York, New York as a refugee. *Id.* ¶ 5. On March 8, 1994, Petitioner adjusted his status to lawful permanent resident. *Id.* ¶ 6 & Ex. A. Petitioner has multiple felony criminal convictions, most recently, on May 17, 2011, Petitioner was convicted of attempted murder, two counts of aggravated assault, aggravated battery, two counts of arson-first degree, and burglary, in Dekalb County, Georgia. *Id.* ¶ 8 & Ex. B. Petitioner was sentenced to a total term of imprisonment of 30 years. *Id.* On July 7, 2011, the Department of Homeland Security (“DHS”) issued Petitioner a Notice to Appear charging him as removable under section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (“INA”) (8 U.S.C. § 1227(a)(2)(A)(iii)) for having been convicted of aggravated felonies as defined under INA §§ 101(a)(43)(F), (G), and (U) (8 U.S.C. §§ 1101(a)(43)(F), (G), and (U)). Erickson Decl. § 9 & Ex. C.

Petitioner was ordered removed by an Immigration Judge on March 6, 2014, and both parties waived appeals, making the order final on that date. *Id.* § 10 & Ex. D; *see* 8 C.F.R. § 1241.1(b). Petitioner entered the custody of DHS Immigration and Customs Enforcement, Enforcement and Removal Operations (“ICE/ERO”) on June 26, 2024. *Id.* ¶ 11.

On August 14, 2024, Petitioner was interviewed by the Russian Consulate. *Id.* ¶ 12. On August 19, 2024, ERO submitted a travel document request to the Russian Consulate. *Id.* ¶ 13. On September 16, 2024, the Russian Consulate sent a request for additional forms to ERO, which request ERO completed and submitted the same day. *Id.* ¶ 14. On November 1, 2024, the Russian Consulate requested additional forms and valid photo ID. *Id.* ¶ 16.

REMOVAL EFFORTS SINCE FEBRUARY 2025

Since February 2025, ICE/ERO and the Removal and International Operations (RIO) division at ICE Headquarters (HQ) in Washington, D.C., expended significant efforts to obtain a travel document for Petitioner and facilitate his removal from the United States to Russia.

Declaration of Supervisory Detention and Deportation Officer Tartanger Stephens (“Stephens Decl. ¶ 3. On March 11, 2025, HQ-RIO told Deportation Officer Erickson they were awaiting confirmation of Petitioner’s identity. *Id.* ¶ 4. On March 12, 2025, the Russian Embassy sent HQ-RIO additional forms for citizenship verification, which forms HQ-RIO sent to ICE/ERO for Petitioner to complete. *Id.* ¶ 5. On March 13, 2025, ICE/ERO provided the citizenship forms to Petitioner, who completed them the same day. *Id.* ¶ 6. These documents, along with Petitioner’s correctional identification card, were then returned the same day to HQ-RIO. *Id.* ¶ 6.

On March 24, 2025, the Russian Consulate requested an updated travel document request from ICE/ERO. *Id.* ¶ 7. That day, ICE/ERO had Petitioner complete this and ICE/ERO sent it immediately to HQ-RIO. Stephens Decl. ¶ 7. Following submission of the travel document request and continuing through July 8, 2025, DO Erickson sent requests to HQ-RIO for a status update on the travel document request sent to the Russian Consulate. *Id.* ¶ 8.

On July 11, 2025, HQ-RIO reached out to the Russian consulate for the status of the travel document request. *Id.* ¶ 9. On the same day, the Russian consulate indicated they could not verify Petitioner’s citizenship; therefore, they could not issue a travel document. *Id.* ¶ 9.

On August 18, 2025, DO Gillikin sent an inquiry to HQ-RIO concerning the status of processing Petitioner as a third country removal (“TCR”). *Id.* ¶ 10. As of the date of this Response, HQ-RIO is actively working with the Department of State and the Department of Homeland Security on avenues to remove aliens to a third country. Stephens Dec. ¶ 11. As of December 5, 2025, Petitioner’s case has been elevated through proper channels at HQ-RIO to the Department of State. *Id.* ¶ 12. HQ-RIO is awaiting notification from the Department of State that Petitioner will be identified for removal to a third country in accordance with the agreements negotiated by

the Department of State. *Id.* ¶ 12. ERO will follow the March 30, 2025 *Guidance Regarding Third Country Removals* issued by the Secretary of DHS. *Id.* ¶ 12.

ARGUMENT

As the above detailed description of the extensive efforts to effectuate Petitioner’s removal show, ICE/ERO is diligently working Petitioner’s case to accomplish that goal. Much of the delay between Respondent’s original Response on February 27, 2025, and July 11, 2025, when Russia informed ICE/ERO that it could not confirm Petitioner’s identity, and thus denied the travel document request, was due to the Russian consulate’s activities. Stephens Decl. ¶¶ 4-8. During this time, ICE/ERO made regular requests for updates. *Id.* Upon finally learning that Russia would not accept Petitioner’s request, ICE/ERO began the process of third country removal pursuant to 8 U.S.C. § 1231(b)(2). Stephens Decl. ¶ 10. This process involves significant international negotiation and cooperation at various levels of government.

Recognizing the intricacies of this process, courts have repeatedly found that “control [of] the foreign affairs of the nation” is an essential Executive Branch function in which courts should exercise great caution before interfering. *United States ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 542-43 (1950); *see also INS v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999) (“[W]e have recognized that judicial deference to the Executive Branch is especially appropriate in the immigration context where officials ‘exercise especially sensitive political functions that implicate questions of foreign relations’” (*quoting INS v. Abudu*, 485 U.S. 94, 110 (1988))); *Mathews v. Diaz*, 426 U.S. 67, 81 (1976) (“[S]uch decisions are frequently of a character more appropriate to either the Legislature or the Executive than to the Judiciary. . . . Any rule of constitutional law that would inhibit the flexibility of the political branches of government to respond to changing world conditions should be adopted only with the greatest caution.”).

With this in mind, in evaluating the present likelihood of removal, courts “must take appropriate account of the greater immigration-related expertise of the Executive Branch” and “listen with care [to] the Government’s foreign policy judgments[.]” *Zadvydas*, 533 U.S. at 700. This is particularly true “for example, [when] the status of repatriation negotiations[] are at issue[.]” *Id.* In that case, courts must “grant the Government appropriate leeway when its judgments rest upon foreign policy expertise.” *Id.*; *see also Meskini*, 2018 WL 1321576, at *3-4.

Although Respondent acknowledges that Russia declined to issue a travel document after lengthy consideration of ICE/ERO’s request, ICE/ERO is authorized by statute to remove Petitioner to a third country based on this declination. *See* 8 U.S.C. § 1231(b)(2)(C)(iii), (b)(2)(D)(ii), (b)(2)(E)(vii). Since Russia declined to issue a travel document, ICE/ERO has pursued removal to a third country. Stephens Decl. ¶¶ 10-12. The Executive Branch, which is charged with exercising judgment in the conduct of this nation’s foreign affairs, believes that this process will bear fruit in the foreseeable future, and the Court “must take appropriate account of the greater immigration-related expertise of the Executive Branch.” *Zadvydas*, 533 U.S. at 700. Based on this evidence, a significant likelihood of removal in the reasonably foreseeable future exists, and the Petition should be denied.

CONCLUSION

For the reasons stated herein, Respondent respectfully requests that the Court deny the Petition.

Respectfully submitted, this 10th day of December, 2025.

WILLIAM R. KEYES
UNITED STATES ATTORNEY

BY: s/ Michael P. Morrill
MICHAEL P. MORRILL
Assistant United States Attorney
Georgia Bar No. 545410
United States Attorney's Office
Middle District of Georgia
P. O. Box 2568
Columbus, Georgia 31902
Phone: (706) 649-7728
michael.morrill@usdoj.gov

CERTIFICATE OF SERVICE

This is to certify that I have this date filed the Respondent's Response to Court Order with the Clerk of the United States District Court using the CM/ECF system, which will send notification of such filing to the following:

N/A

I further certify that I have this date mailed by United States Postal Service the document and a copy of the Notice of Electronic Filing to the following non-CM/ECF participants:

Sergey Shaburov
A# 
Stewart Detention Center
P.C. Box 248
Lumpkin, GA 31815

This 10th day of December, 2025.

BY: s/ Michael P. Morrill
MICHAEL P. MORRILL
Assistant United States Attorney