

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

<u>KSENIIA PETROVA,</u>)	
)	
Petitioner,)	Case No. 2:25-cv-00240-CR
)	
v.)	PETITIONER’S MOTION
)	FOR LEAVE TO FILE
U.S. DEPARTMENT OF HOMELAND)	AMENDED PETITION FOR
SECURITY; KRISTI NOEM, Secretary of the)	WRIT OF HABEAS CORPUS
U.S. Department of Homeland Security, in her)	AND COMPLAINT FOR
official capacity; THERESA MESSIER,)	DECLARATORY AND
Superintendent, Chittenden Regional Correctional)	INJUNCTIVE RELIEF
Facility, in her official capacity,)	
)	
Respondents.)	
)	

Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, Petitioner Kseniia Petrova respectfully moves this Court for leave to file the attached Amended Petition for a Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief (“Amended Complaint”). In support, Petitioner states the following:

1. Rule 15(a)(2) provides that “[t]he court should freely give leave [to amend] when justice so requires.”
2. The original complaint, filed on February 23, 2025, asserted habeas corpus jurisdiction under 28 U.S.C. § 2241 and 8 U.S.C. § 1252(e)(2), which authorizes habeas corpus proceedings to challenge expedited removal orders. Because the government initially claimed that Petitioner had been subjected to an expedited removal order, the complaint requested the limited habeas relief available under 8 U.S.C. § 1252(e)(4)(b).

3. The government has since conceded that no expedited order of removal was ever issued against Petitioner. Such concession provides Petitioner with additional rights, remedies, and relief, and necessitates amendment of the original petition.
4. Further, Petitioner seeks to allege three new counts based on CBP's violation of the Freedom of Information Act (FOIA).
5. Allowing Petitioner to file the Amended Complaint would serve justice and promote judicial efficiency. There would be no substantial or undue prejudice, bad faith, undue delay, or futility.

WHEREFORE, Petitioner respectfully requests that this motion be granted.

Local Rule 7(a)(7) Certification

Pursuant to Local Rule 7(a)(7), Petitioner's counsel has made a good faith effort to obtain the opposing party's consent to the requested relief. Respondents' counsel has indicated that Respondents oppose this motion.

Dated: May 22, 2025

/s/ Brian Scott Green
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Respectfully submitted,

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**Admitted pro hac vice*

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Leave to File Amended Complaint filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

Dated: May 22, 2025

By: /s/ Gregory Romanovsky
Gregory Romanovsky