

District Judge Tana Lin
Magistrate Judge Grady J. Leupold

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AVEL IVANOVICH REVENKO,

Petitioner,

v.

PAMELA BONDI, Attorney General of the
United States; KRISTI NOEM, Secretary,
United States Department of Homeland
Security; DREW BOSTOCK, Seattle Field
Office Director, United States Citizenship and
Immigration Services; WARDEN of
Immigration Detention Facility; and the United
States Immigration and Customs Enforcement,

Respondents.

Case No. 2:25-cv-00549-TL-GJL

FEDERAL RESPONDENTS' REPLY IN
SUPPORT OF THEIR MOTION TO
DISMISS

Noted for Consideration:
June 9, 2025

I. INTRODUCTION

This Court should grant Federal Respondents' motion to dismiss (Dkt. 9, Motion) because Petitioner Avel Ivanovich Revenko's (Revenko) has not met his burden of demonstrating good reason to believe that there is no significant likelihood of his removal to Moldova in the reasonably foreseeable future. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). This reply is supported by the Supplemental Declaration of Deportation Office Christopher Hubbard ("Suppl. Hubbard Decl.").

FEDERAL RESPONDENTS' REPLY IN SUPPORT
OF THEIR MOTION TO DISMISS
[Case No 2:25-cv-00549-TL-GJL] - 1

UNITED STATES ATTORNEY
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
206-553-7970

1 U.S. Immigration and Customs Enforcement (ICE) took custody of Revenko as a result
2 of multiple criminal offenses. His removal order became final on May 16, 2024. Since that
3 time, ICE Enforcement and Removal Operations (ERO) has continued to make progress towards
4 obtaining a travel document to effect his removal. While this process may be slow, it “does not
5 undermine the conclusion that removal remains foreseeable.” *See Atikurraheman v. Garland*,
6 No. 24-cv-00262-JHC-SKV, 2024 WL 2819242 (W.D. Wash. May 10, 2024), *report and*
7 *recommendation adopted*, No. 24-cv-00262-JHC-SKV, 2024 WL 2818574 (W.D. Wash. June 3,
8 2024). Because Petitioner has not and cannot demonstrate that ICE will not be able to remove
9 him, the Court should grant the pending motion to dismiss.

10 II. ARGUMENT

11 Revenko has not demonstrated a good reason to believe that there is no significant
12 likelihood of his removal to Moldova in the reasonably foreseeable future. If a noncitizen
13 remains in post-order detention after six months, the noncitizen has the burden to demonstrate a
14 good reason to believe that there is no significant likelihood of removal in the reasonably
15 foreseeable future. *Zadvydas*, 533 U.S. at 701. The Government “must respond with evidence
16 sufficient to rebut that showing.” *Id.* If the Government fails to rebut the noncitizen’s showing,
17 the noncitizen is entitled to habeas relief. *Id.* Revenko has not met his burden.

18 He argues that “ICE has no current ability to deport Mr. Revenko.” Dkt. No. 12
19 (Response), at 2. This argument tacitly recognizes that a travel document will be issued, but
20 argues because it is not available today, then Revenko should be released. That is not the
21 standard, however. The question is whether ICE will likely be able to remove Revenko in the
22 near future, which it demonstrated in its Motion. It is false to speculate that because ICE has not
23 yet secured a travel document that it cannot do so soon simply because ICE does not have an
24 exact timeline. Thus, Revenko’s arguments are speculative and vague, at best.

1 To be sure, ICE has been making efforts at removal, and because Moldova has
2 represented that it will issue a travel document, there is no reason to believe that removal will not
3 occur in the near future as ICE currently stated. In particular, ERO recently discussed this matter
4 with the Moldovan consulate on May 23, 2025, and June 3, 2025. Suppl. Hubbard Decl., ¶ 1.
5 ERO needs to schedule a telephone conference between Revenko and the consulate, but this has
6 been complicated because Revenko is housed at a special unit at the Northwest ICE Processing
7 Center after he was charged with assaulting staff and refusing staff orders. *Id.* at ¶¶ 2, 3;
8 Original Hubbard Decl., (Dkt. 11), ¶ 18. Thus, his actions are complicating the removal process.
9 Finally, ERO is working to obtain copies of additional identification documents. Suppl. Hubbard
10 Decl., ¶ 2. Moldova has not denied the travel document request, and it continues to work with
11 ERO for additional information. *Iddrisu v. Kelly*, No. 17-cv-00038-AFM, 2017 WL 11635015,
12 at *2 (C.D. Cal. Mar. 27, 2017) (“Where the evidence shows that the target country has granted
13 (or is merely reviewing or processing) an application for travel documents, federal habeas courts
14 have repeatedly found that an alien has failed to provide a good reason to believe there is no
15 significant likelihood of his removal in the reasonably foreseeable future.”). So as before, the
16 process is continuing towards removal, which ICE believes will occur in the reasonably
17 foreseeable future. Suppl. Hubbard Decl., ¶ 3.

18 III. CONCLUSION

19 For the foregoing reasons, Federal Respondents respectfully request that this Court deny
20 the Petition and dismiss this matter in its entirety.

21
22 //

23
24 //

1 DATED this 9th day of June, 2025.

2 Respectfully submitted,

3 TEAL LUTHY MILLER
4 Acting United States Attorney

5 s/ Nickolas Bohl

6 NICKOLAS BOHL, WSBA No. 48978

7 Assistant United States Attorney

8 United States Attorney's Office

9 Western District of Washington

10 700 Stewart Street, Suite 5220

11 Seattle, Washington 98101-1271

12 Phone: 206-553-7970

13 Fax: 206-553-4067

14 Email: nickolas.bohl@usdoj.gov

15 *Attorneys for Federal Respondents*

16 I certify that this memorandum contains 675 words,
17 in compliance with the Local Civil Rules.