

DISTRICT JUDGE TANA LIN  
MAGISTRATE JUDGE GRADY J. LEUPOLD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AVEL IVANOVICH REVENKO,

Petitioner,

v.

PAMELA BONDI, *et.al.*,

Respondents.

No. CV25-549 TL-GJL

AVEL REVENKO'S OBJECTIONS TO  
REPORT AND RECOMMENDATION

Avel Revenko, through counsel, respectfully objects to the Magistrate Judge's Report and Recommendation, Dkt. 17, which suggests this Court deny his application for release.

**I. BACKGROUND**

Avel Revenko suffers from a mental illness that renders him incompetent. *See* Dkt. 17 at 3. When an immigration judge ordered his removal to Russia or Moldova on November 17, 2023, *id.* at 4, neither country was accepting its deported citizens for repatriation. *Id.* at 5. ICE nonetheless refused to release him. Mr. Revenko remains in immigration custody at the Northwest ICE Processing Center, a private-contract facility that is not equipped to manage his mental illness.<sup>1</sup> He has spent much of the last six months locked down and isolated. *Id.* at 6.

<sup>1</sup> The University of Washington's Center for Human Rights has published a series about conditions at the NWDC, available at <https://jsis.washington.edu/humanrights/>. There were six suicide attempts in a three-month period between January and April 2024. *See*

1 When the magistrate judge concluded that Mr. Revenko's deportation to  
2 Moldova was significantly likely in the reasonably foreseeable future, it based that  
3 assessment on an ICE officer's representation that Moldova had agreed to issue  
4 Mr. Revenko a travel document. *See id.* at 9. But history has proven that representation  
5 to be too categorical. Five months after filing his petition, twenty-one months after an  
6 immigration judge ordered him deported, and fifteen months since that order became  
7 final, Mr. Revenko remains in segregation at the NWDC. ICE reports that it continues  
8 to seek a permission to remove him Moldova, and that Mr. Revenko has been  
9 interviewed by the Moldovan embassy, but Moldova has not yet issued a travel  
10 document. ICE has shared no reason to believe that the interviews of Mr. Revenko,  
11 which are conducted while he is floridly mentally ill and segregated, will result in  
12 Moldova agreeing to issue a travel document to that country.

## 13 II. ARGUMENT

14 In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that the  
15 legality of prolonged detention is subject to a sliding scale. The government has six  
16 months to effectuate removal without Court oversight. *Id.* at 701. After six months, the  
17 petitioner must be released on appropriate conditions when there is not "good reason to  
18 believe" that removal will occur in the "reasonably foreseeable future." *Id.* As the  
19 petitioner's detention grows longer, what counts as the "reasonably foreseeable future"  
20 correspondingly shrinks. *Id.* *See also D'Alessandro v. Mukasey*, 628 F. Supp. 2d 368,  
21 406 (W.D.N.Y. 2009).

22 The magistrate judge reasonably concluded that Mr. Revenko was likely to be  
23 removed in the reasonably foreseeable future because ICE represented on May 6, 2025,  
24 that Moldova had agreed to issue Mr. Revenko a travel document. But it is now clear

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26 <https://washingtonstatestandard.com/2024/04/10/at-least-6-suicide-attempts-this-year-at-tacoma-ice-detention-center-911-calls-show/>.

1 that ICE overstated Moldova's position. Over the last three months, Moldova has  
2 requested additional documents and conducted two interviews with Mr. Revenko, who  
3 continues to decompensate at the NWDC. But so far as ICE has been willing to share,  
4 Moldova has not issued the travel document that ICE promised the magistrate judge  
5 was forthcoming. Neither does it appear that Moldova has given any indication that its  
6 interviews with Mr. Revenko have satisfied its concerns about issuing him a travel  
7 document. There is no longer good reason to believe that ICE's initial, categorical  
8 representation was correct.

9 Meanwhile, as Mr. Revenko's detention grows longer, what counts as the  
10 "reasonably foreseeable future" shrinks. At this point, the uncertain evidence that  
11 Moldova will ever issue a travel document to Mr. Revenko is no longer sufficient to  
12 justify his continued, open-ended detention.

### 13 **III. CONCLUSION**

14 The Court should decline to accept the Report and Recommendation. Rather,  
15 exercising de novo review and after gathering any additional evidence that would assist  
16 its determination, the Court should order Mr. Revenko's release on appropriate  
17 conditions.

18 DATED this 5th day of August 2025.

19 Respectfully submitted,

20 s/ *Gregory Murphy*  
21 Assistant Federal Public Defender  
22 Attorney for Avel Revenko

23 I certify this document contains 623 words in compliance with the Local Civil Rules.  
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