

1 District Judge Tana Lin  
2  
3  
4  
5  
6  
7  
8

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

9 AVEL IVANOVICH REVENKO,

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

10 Petitioner,

11 v.  
12 PAMELA BONDI, *et al.*,  
13 Respondents.

RESPONSE IN OPPOSITION TO  
PETITIONER'S OBJECTIONS TO  
REPORT AND RECOMMENDATION

14  
15 Noted for Consideration:  
16 August 19, 2025

I. INTRODUCTION

17 Magistrate Judge Leupold correctly recommends that Petitioner Avel Ivanovich  
18 Revenko's federal habeas petition be denied. Dkt. No. 17, Report and Recommendation  
19 ("R&R"), at 10. The R&R found that Petitioner has not demonstrated that his post-order  
20 immigration detention is indefinite. *See* R&R, at 8-10. The R&R further found that "it is  
significantly likely that Petitioner's removal will occur in the reasonably foreseeable future." *Id.*,  
at 10.

21 Petitioner objects to these findings. Dkt. No. 18, Objections, at 2-3. He alleges that U.S.  
22 Immigration and Customs Enforcement ("ICE") "overstated Moldova's position" when it  
23 represented that Moldova had agreed to issue him a travel document on May 6, 2025. *Id.* This is

1 incorrect. As described in the declaration of Officer Rodriguez, ICE is now closer to obtaining  
2 the necessary documentation to remove Petitioner to Moldova.

3 Accordingly, Petitioner's objections should be overruled, and this Court should adopt the  
4 recommendation that the Petition be dismissed.

5 **II. RECENT FACTS**

6 Petitioner is currently detained at the Northwest ICE Processing Center ("NWIPC")  
7 pursuant to 8 U.S.C. § 1231(a)(6). His order of removal became administratively final on May  
8 16, 2024. R&R, at 4. Since that time, ICE has been working to execute his removal order by  
9 obtaining necessary documents from Moldova to do so. *See id.*, at 4-6.

10 On July 3, 2025, the Moldovan Consulate requested Petitioner's Oregon or Washington  
11 driver's license along with his apostilled criminal records. Rodriguez Decl., ¶ 4. ICE contacted  
12 Petitioner's daughter that day and asked for her to provide the agency with Petitioner's driver's  
13 license or other identity documents. *Id.*

14 On July 28, 2025, the General Consul of Moldova interviewed Petitioner at the NWIPC.  
15 *Id.*, ¶ 6. The General Consul obtained the requisite forms and information from Petitioner to  
16 submit to Moldova for him to obtain citizenship. *Id.* The General Consul also indicated that  
17 they would need Petitioner's criminal records to be certified and submitted to the Consulate  
18 along with a travel document packet, including the fee, and that the Consulate would inform ICE  
19 when to submit those documents. *Id.* Once Moldova recognizes Petitioner's citizenship, a travel  
20 document will be issued. *Id.*

21 ICE is currently working on obtaining Petitioner's apostilled criminal records. *Id.* Once  
22 obtained, ICE will pay the necessary fee indicated by the Consulate in pursuit of Petitioner's  
23 removal. *Id.* Based on the continued and regular communication that ICE has had with the  
24 Moldovan government about Petitioner's removal, the Department of Homeland Security

1 believes that there is a significant likelihood of Petitioner's removal in the reasonably  
2 foreseeable future. *Id.*, ¶ 8.

3 **III. ARGUMENT**

4 Section 1231(a)(6) authorizes ICE to detain Petitioner for a period reasonably necessary  
5 to bring about that individual's removal from the United States and does not permit "indefinite"  
6 detention. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). After a six-month "presumptively  
7 reasonable" period of detention, if the noncitizen "provides good reason to believe that there is  
8 no significant likelihood of removal in the reasonably foreseeable future, the Government must  
9 respond with evidence sufficient to rebut that showing." *Id.* Here, the Government has rebutted  
10 any such purported showing by Petitioner.

11 The R&R correctly found that Petitioner could not make a showing that his detention was  
12 indefinite. *Id.*, at 8. Specifically, the R&R points to Moldova's indication that it would issue a  
13 travel document for Petitioner during a May 6, 2025 communication with ICE. R&R, at 9.  
14 While conceding that Magistrate Judge Leupold "reasonably concluded" that Petitioner was  
15 likely to be removed in the reasonably foreseeable future on this basis, Petitioner objects to this  
16 finding because Moldova has not issued a travel document to date, and "it does [not] appear that  
17 Moldova has given any indication that its interviews with [him] have satisfied its concerns about  
18 issuing him a travel document." Obj., at 3. Petitioner's argument is in stark contrast to recent  
19 events, including the General Consul of Moldova's in-person interview of Petitioner on July 28,  
20 2025. Rodriguez Decl., ¶ 6. Based on this updated information, there remains good reason to  
21 believe that Moldova will issue Petitioner a travel document and that there is a significant  
22 likelihood of his removal in the reasonably foreseeable future.

23 //

24 //

#### IV. CONCLUSION

2 For all of the foregoing reasons, the Court should overrule Petitioner's objections and  
3 adopt the R&R's recommendation that the Government's motion to dismiss (Dkt. No. 9) be  
4 granted and the Petition (Dkt. No. 1) and this action be dismissed.

5 DATED this 18th day of August, 2025.

Respectfully submitted,

TEAL LUTHY MILLER  
Acting United States Attorney

s/ Michelle R. Lambert

MICHELLE R. LAMBERT, NYS #4666657  
Assistant United States Attorney  
United States Attorney's Office  
1201 Pacific Avenue, Suite 700  
Tacoma, WA 98402  
Phone: 253-428-3824  
Fax: 253-428-3826  
Email: michelle.lambert@usdoj.gov

*Attorneys for Federal Respondents*

*I certify that this memorandum contains 724 words, in compliance with the Local Civil Rules.*