

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

EKATERINA SELEDTSOVA)	CIVIL ACTION NO: 6:25-cv-00724
A249-138-024)	SECTION: P
)	
VERSUS)	JUDGE SUMMERHAYS
)	
KRISTI NOEM, <i>ET AL.</i>)	MAGISTRATE JUDGE WHITEHURST
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RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

1. INTRODUCTION

Petitioner, Ekaterina Seledtsova, is subject to a final order of removal. On May 27, 2025, she filed a Petition for Writ of Habeas Corpus requesting that this Court order her immediate release from detention at the South Louisiana ICE Processing Facility in Basile, Louisiana. Petitioner claims that her continued detention in United States Immigration and Customs Enforcement (“ICE”) custody pending removal violates her constitutional due process rights. (ECF Doc. No. 1). Respondents maintain that there is a significant likelihood of Petitioner’s removal in the reasonably foreseeable future. Thus, her detention is lawful. For the following reasons, the petition should be denied, and this action should be dismissed.

2. BACKGROUND

On July 13, 2024, Ekaterina Seledtsova (“Petitioner”), a native and citizen of Russia, encountered United States Customs and Border Protection at the Calexico, California Port of Entry where she applied for admission into the United States. Upon being deemed inadmissible to enter, Petitioner was placed in expedited removal proceedings pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (“INA”). *See* Declaration of Department of Homeland

Security Assistant Field Office Director Charles G. Ward, attached hereto as Government Exhibit A. Petitioner was charged with failure to possess a valid immigrant visa, border crossing identification card, or reentry permit. *See* Ex. A, ¶5. On January 28, 2025, ICE officials reviewed Petitioner's custody status and denied Petitioner parole based upon a finding that she was a flight risk. *See* Ex. A, ¶6. On May 1, 2025, an immigration judge ordered Petitioner removed to Russia. Petitioner appealed the immigration judge's ruling. On August 20, 2025, the Board of Immigration Appeals affirmed the immigration judge's removal decision. Petitioner remains in ICE custody pursuant to INA §240 pending removal. *See* Ex. A, ¶¶ 7-10.

There is no foreseeable impediment to Petitioner's removal. Thus, there is a significant likelihood that she will be removed in the reasonably foreseeable future.

3. ARGUMENT

Zadvydas Does Not Mandate Petitioner's Release Since Removal Will Occur In The Reasonably Foreseeable Future.

In *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001), and the extension and application of that decision by *Clark v. Martinez* 543 U.S. 371, 125 S. Ct. 716, 160 L. Ed. 2d 734 (2005) to aliens who are inadmissible, the United States Supreme Court adopted a six-month period for which the institutional detention of an alien, found within the United States and ordered removed pursuant to various provisions of Section 237(a) of the Act [8 U.S.C. § 1227(a)], is presumptively reasonable, and concluded that, “* * * once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Zadvydas*, 533 U.S. at 699. In the words of the Court:

In answering that basic question, the habeas court must ask whether the detention in question exceeds a period reasonably necessary to secure removal. It should measure reasonableness primarily in terms of the statute's basic purpose, namely assuring the alien's presence at the moment of removal. Thus, if removal is not

reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances, and the alien may no doubt be returned to custody upon a violation of those conditions. (Citations omitted). And if removal is reasonably foreseeable, the habeas court should consider the risk of the alien's committing further crimes as a factor potentially justifying confinement within that reasonable removal period.

Zadvydas, 533 U.S. at 699-700.

The Supreme Court clearly indicated that the lapse of the presumptive period does not mandate release and concluded that, “[t]o the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701. The United States Court of Appeals for the Fifth Circuit has recognized that “[t]he [Supreme] Court’s decision creates no specific limits on detention, however, ‘as an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.’” *Andrade v. Gonzales*, 459 F.3d 538, 543 (5th Cir. 2006), *see also*, *Agyei-Kodie v. Holder*, 418 F. App’x 317, 318 (5th Cir. 2011).

Thus, in order to state a claim for relief under the *Zadvydas* decision, an alien must: 1) establish post removal order detention in excess of six months at the time of the filing of his or her petition; and, 2) establish good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. *Id.*; *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002). Thereafter, “the Government must respond with evidence sufficient to rebut that showing.” *Zadvydas*, 533 U.S. at 701.

To meet his burden under the second prong, an alien’s claim must be supported by more than mere “speculation and conjecture.” *Idowu v. Ridge*, 03-1293, 2003 WL 21805198, *4 (N.D.

Tex. Aug. 4, 2003) (citing *Fahim v. Ashcroft*, 227 F. Supp. 2d 1359, 1366 (N.D. Ga. 2002)). In order to shift the burden to the Government, an alien must demonstrate that “the circumstances of his status” or the existence of “particular individual barriers to his repatriation” to his country of origin are such that there is no significant likelihood of removal in the reasonably foreseeable future. *Id.* If the alien fails to come forward with an initial offer of proof, the petition is ripe for dismissal. *Akinwale*, 287 F.3d at 1051.

The instant case is distinguishable from *Zadvydas* and *Clark*. In *Zadvydas*, all of the countries to which the alien had ties had refused his admission on the grounds that he was not a citizen. *Zadvydas*, 533 U.S. at 691. In *Clark*, the Court found that the Government brought forward no evidence to indicate that a substantial likelihood of removal exists. *Clark*, 543 U.S. at 386. Moreover, the Government conceded in *Clark* that it was no longer involved in repatriation negotiations with Cuba. *Id.*

Petitioner in the captioned case has failed to present this Court with sufficient evidence that there exists “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” The Board of Immigration Appeals sustained the immigration judge’s order to remove Petitioner to Russia. Therefore, the order is final, and she is being detained pending removal. *See* Ex. A, ¶¶9-10. Petitioner cannot establish that ICE is incapable of executing her removal, or that her detention will be indefinite.

Petitioner’s current immigration detention is consistent with due process, as well as with applicable statutes and regulations, as interpreted by the United States Supreme Court in *Zadvydas v. Davis*. “This 6-month presumption, of course does not mean that every alien not removed must be released after six months.” *Zadvydas*, 533 U.S. at 701. In the instant case, Petitioner’s removal is imminent, and her detention is lawful.

4. CONCLUSION

Petitioner has failed to show that there is no significant likelihood of accomplishing her removal in the reasonably foreseeable future. *Zadvydas* does not mandate her release, and the Petition for Writ of Habeas Corpus should be dismissed.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 1st day of October, 2025, a copy of the above and foregoing *Response to Petition for Writ of Habeas Corpus* was electronically filed with the Clerk of the Court using the CM/ECF system. I also certify that I have mailed by United States Postal Service this filing to *pro se* Petitioner at her last known address:

Ekaterina Seledtsova, A 
South Louisiana ICE Processing Center
3843 E Stagg Avenue
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s/ Desiree C. Williams
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