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Dmitrii Tropkii  
A# [REDACTED]  
FDC Philadelphia  
P.O. Box 562  
Philadelphia, PA 19105

UNITED STATES DISTRICT COURT  
Eastern District of Pennsylvania

Dmitrii Tropkii,  
[A# [REDACTED]],  
**Petitioner,**  
  
v.  
Pamela Bondi,  
**ATTORNEY GENERAL;**  
Kristi Noem,  
**SECRETARY OF DEPARTMENT**  
**OF HOMELAND SECURITY;**  
Angela Klapakis, U.S.  
**ICE FIELD OFFICE DIRECTOR FOR**  
**THE Philadelphia FIELD**  
**OFFICE, and WARDEN OF**  
**IMMIGRATION DETENTION**  
**FACILITY, FDC Philadelphia;**  
J. L. Jameson  
**Respondents.**

Civil Action No.

**MOTION FOR APPOINTMENT  
OF COUNSEL PURSUANT TO  
18 U.S.C. § 3006A**

Petitioner is a citizen of Russia. Petitioner is in ICE custody in the  
United States, but has been ordered removed to Russia by an immigration  
judge. Petitioner's removal order is final, but Petitioner cannot be removed to

1 Russia, or any other country. Thus, Petitioner remains indefinitely detained  
2 in ICE custody, and has been confined for a period far longer than the law mandates.  
3 Under 8 U.S.C. § 1231(a)(1)–(2), once an alien has been ordered removed, the Attorney  
4 General must carry out the removal within a period of 90 days, during which time the alien  
5 shall be detained. The post-removal-period provision of the same statute, 8 U.S.C.  
6 § 1231(a)(6), allows for certain aliens to be detained beyond the removal period, but the  
7 Supreme Court explicitly limited this detention period in Zadvydas v. Davis, 533 U.S. 678  
8 (2001). In that case, the Court held that § 1231(a)(6) restricts an alien’s post-removal-  
9 period detention to a period reasonably necessary to bring about that alien’s removal, and  
10 that it “does not permit indefinite detention.” Zadvydas, 533 U.S. at 689. The Court found  
11 that a presumption exists that an alien may not be held longer than six months; the general  
12 rule is that an alien may no longer be confined when there is “no significant likelihood of  
13 removal in the reasonably foreseeable future.” Id. at 701. In Clark v. Martinez, the  
14 Supreme Court extended this holding to inadmissible aliens. 125 S. Ct. 716, 722 (2005).

15 The question as to whether Petitioner’s detention is in violation of the laws of the  
16 United States is one for a federal habeas court to hear. 28 U.S.C. § 2241. Accordingly,  
17 Petitioner files the accompanying habeas corpus petition, pursuant to 28 U.S.C. § 2241,  
18 requesting that this Court order Petitioner’s release. Petitioner has made  
19 severall efforts to obtain counsel. Some of them  
20 are: 1. Pennsylvania ... (see additional pages )

21 Therefore, Petitioner requests that this Court appoint counsel to represent Petitioner in  
22 this habeas action.

23  
24 **I. The Court Should Exercise Its Discretion to Appoint Counsel**  
25 Assuming that a Petitioner has shown financial need, a district court may appoint  
26 counsel in a habeas proceeding under 28 U.S.C. § 2241 when the “interests of justice so  
27 require.” 18 U.S.C. § 3006A(a)(2)(B). Courts have often examined three elements in  
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determining whether appointment of counsel is necessary: the likelihood of success on the merits, the complexity of the legal issues involved in the case, and the ability of the Petitioner to present the case in light of its complexity. See, e.g., Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983); Saldina v. Thornburgh, 775 F.Supp. 507, 511 (D. Conn. 1991). Petitioner has been held in custody for 8 months since being ordered removed to Russia, and removal in the reasonable foreseeable future is unlikely because (see additional pages 3, 4). Under the Supreme Court's decision in Zadvydas, Petitioner's continued detention is presumptively unreasonable. Thus, Petitioner has a high likelihood of success on the merits.

Moreover, Petitioner would encounter great difficulty in presenting this habeas corpus case alone. The House Report on the predecessor to § 3006A(a)(2)(B) recognized that habeas corpus proceedings often present "serious and complex issues of law and fact" that would necessitate the assistance of counsel. H.R. Rep. No. 1546, 91<sup>st</sup> Cong. 2d Sess. (1970), reprinted in 1970 U.S.C.C.A.N. 3982, 3993. In addition, the congressional report on § 3006A(2)(B) stated that a court *should* appoint counsel when "necessary to insure a fair hearing." Id. The complexity of a habeas case will pose an especially great obstacle for Petitioner. Petitioner has limited knowledge in English, without special education in the law. The issues presented in his case... (see additional page 4). In light of the complicated issues involved in habeas cases and Petitioner's inability to adequately present the case at bar, as well as Petitioner's likelihood of success on the merits, this Court should exercise its discretion to appoint counsel under 18 U.S.C. 3006A(a)(2)(B).

11 **II. Appointment Of Counsel Is Necessary Because Discovery Is Imperative**

1 The rules governing habeas proceedings require the appointment of counsel in  
2 certain circumstances.<sup>36</sup> Under Rule 6(a), 28 U.S.C. foll. § 2254, a judge must appoint  
3 counsel for a Petitioner if it is “necessary for effective utilization of discovery procedures.”  
4 ICE has information and documents relevant to Petitioner’s habeas petition, and without  
5 the assistance of counsel, Petitioner will not be able to effectively pursue discovery and, as a  
6 result, will not adequately present his claims. The aid of an attorney is especially  
7 important in this case, given Petitioner’s lack of familiarity with the legal procedure  
8 involved in requesting and obtaining discovery. Moreover, even if Petitioner were to obtain  
9 documents in discovery, without the assistance of counsel, Petitioner would not be capable  
10 of analyzing them to determine his likelihood of being removed in the foreseeable future.

12 **III. An Evidentiary or Motions Hearing May Be Necessary**

13 Under Rule 8(c), 28 U.S.C. foll. § 2254, the court is required to appoint counsel in a  
14 habeas proceeding if an evidentiary hearing is needed. An evidentiary hearing will likely  
15 be necessary in this case. Regardless of any other issues, if an evidentiary hearing is  
16 scheduled, the court must appoint counsel for Petitioner.

17 For the above reasons, this Court should appoint counsel to assist Petitioner in  
18 instant habeas proceedings challenging Petitioner’s detention by ICE, pursuant to the  
19 Supreme Court decisions in Zadvydas and Martinez.

20  
21  
22 Dated: 06.18.2025

Respectfully submitted,

Shponkeker

Petitioner

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25 <sup>36</sup> The rules cited in sections II and III typically govern those habeas corpus cases brought  
26 under § 2254. However, these rules may be applied to habeas cases that do not fall under §  
27 2254 – such as those cases arising under § 2241 – at the discretion of the court. Rule 1(b),  
28 28 U.S.C. foll. § 2254.

Continuation of:

Page 2, Line 18: ... Institutional Law Project, attorney

Mr. Mike Beilie. At approximately last week of April, 2025. By telephone number (215) 925 2966. Mr. Beilie refused eventually to represent Detitioner pro bono. He recommended to call to The People's Justice Center at (484) 877 8002. This organization refused to provide Petitioner with any services.

2. Human Rights Project HIAS, at approximately first week of April 2025, by phone number (215) 832 0900. They responded that they needed recommendation from another organization, as long as they did not represent detainees directly. They recommended The Pennsylvania Immigration Resource Center ("PIRC")

3. In PIRC Petitioner communicated with Yomaida Burgos, on 05.06.2025, by phone speed dial number 512# ext. 206.

Mrs. Burgos refused to officially recommend Petitioner to HIAS, as Detitioner had never lived in Pennsylvania before.

4. Petitioner discussed possibility of handling his claim with Petitioner's pro bono Court appointed counsel Mr. Griffin S. Rubin, who responded that his scope of representation of Petitioner was limited by Petitioner's immigration case before the 5<sup>th</sup> Circuit Court of Appeals and eventually did not give consent regarding assistance in Habeas Corpus proceedings.

5. Petitioner had an attorney phone call with counsel Micheal from the Legal Services of New Jersey.

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Motion for Appointment of Counsel Pursuant to 18 U.S.C. §3006A

- Additional Page 1 - Page totally 33

Ms. Micheal called Petitioner in the detention facility per request of his friends from the Justice for Migrant Families of Western New York. During the conversation Petitioner described his detention issues, his immigration case, presence of pro bono court appointed counsel in Petitioner's immigration case, the fact that Petitioner had never lived in New Jersey before. Eventually, Ms. Micheal said that it was still less likely that their organization would take to represent Petitioner in habeas proceedings and did not call back again.

6. New Century Movement, human rights project. Petitioner had several phone calls with its representative Mr. Peter, who tried to assist Petitioner by involving ACLU, human rights organization, to handle his habeas claim. This discussion has been continuing for approximately a month, and Petitioner still has not received any meaningful response on the date of filing this petition.

7. Petitioner tried to contact ACLU on his own as well, by calling on (215) 592-1513 multiple times and has not reached them once, by e-mail with description of Petitioner's detention sent by his friend, but again, has not received any meaningful response on the date of filing this petition.

8. There were other attempts to obtain pro bono legal assistance in pursuing habeas claim, which were not successful.

For last 10 years Petitioner was represented by the following [immigration] attorneys:

1. Mr. Keith P. Mikesell, his post address: 7967 Office

Motion for Appointment of Counsel Pursuant to 18 U.S.C. § 3006A

Park Blvd, Baton Rouge, LA 70809 ;  
2. Mr. Mikhail Arsentiev, at 4366 Auburn Blvd, Suite 114,  
Sacramento, CA 95841 ;  
3. MR. Griffin S. Rubin, at 2200 Ross Ave, Suite 4900 W,  
Dallas, Texas 75201 .

### Financial Information

Petitioner is not married. He has no family member or any financial assets in the USA. His last employment was in Russia till September 2022. He has never been employed in the United States.

Petitioner is detained in Federal Detention Center Philadelphia at 700 Arch Street, Philadelphia, PA 19106. He has \$98 on his institutional account. This is all money that he has at his disposal.

In the past twelve months Petitioner has received:

- 120\$ as salary for institutional work;
- 250\$ as financial support from various individuals;
- 2200\$ as a loan for additional food and mailing and telephone expenses from his friend in the USA.

Petitioner has no one depending on him for support. He has a debt of \$2200 borrowed from his supporter in the United States Aleksandr Runov.

Petitioner's monthly expenses, consisting of additional food, mail and telephone services, amount approximately \$250.

Page 3, line 6: The 5<sup>th</sup> Circuit Court of Appeals issued administrative stay of Petitioner's Removal pending determination of his appeal [Case No. 24-60548] by

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Motion for Appointment of Counsel Pursuant to 18 U.S.C. § 3006A

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the merits panel. See, the Court's order, dated 03.29.2025, enclosed in this package as Exhibit C. Petitioner's appellate brief was due on April 30, 2025, and it was timely filed. Now, the Respondent's brief is due on June 30, 2025. As long as the oral argument is required, the appeal process may take next several months, and there is no reasonably foreseeable date when the Petitioner's immigration appeal case will be terminated.

Page 3, line 18: ... are complex, and Petitioner's fundamental right to freedom is at stake. It would be difficult for him to respond to any defenses raised by ICE without the assistance of counsel.

Under penalty of perjury, I, Dmitrii Tropkii, declare that the information given in this motion is true and correct.

06.18.2025  
Date

Dmitrii Tropkii  
Signature

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Motion for Appointment of Counsel Pursuant to 18 U.S.C. § 3006A

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UNITED STATES DISTRICT COURT  
*Eastern District of Pennsylvania*

*Dmitrii Tropkii*,  
[A  ],  
  
Petitioner,  
  
*Pamela V Bondi*,  
ATTORNEY GENERAL;  
*Kristi Noem*,  
SECRETARY OF DEPARTMENT  
OF HOMELAND SECURITY;  
*Angela Klapakis*, U.S.  
ICE FIELD OFFICE DIRECTOR FOR  
THE *Philadelphia* FIELD  
OFFICE; and WARDEN OF  
IMMIGRATION DETENTION  
FACILITY, *FDC Philadelphia* ;  
*J.L. Jameson*  
Respondents.

Civil Action No.

ORDER

Upon consideration of Petitioner *Dmitrii Tropkii*'s Petition for a Writ  
of Habeas Corpus and Motion for Appointment of Counsel, it is hereby

ORDERED that Petitioner's Motion for Appointment of Counsel is  
hereby GRANTED.

Done and dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

BY THE COURT:

\_\_\_\_\_  
United States District Judge

*Page totally 37*

A#



Res. #



FDC Philadelphia  
P.O. Box 562  
Philadelphia, PA 19105



Legal  
mail

United States District Court  
Eastern District of Pennsylvania  
U.S. Courthouse  
Independence Mall West  
601 Market Street  
Philadelphia, PA, 19106-1797