

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 25-cv-02746-PJS-DTS

Roman Sergeevich Golovanov,

Petitioner,

v.

James McHenry, et al.,

Respondents.

**RESPONSE TO PETITION  
FOR WRIT OF HABEAS  
CORPUS**

Respondents James McHenry and Lisa Monaco, U.S. Attorney General, Kristi Noem, Secretary of the Department of Homeland Security, and Peter Berg, Field Office Director for the Minneapolis Field Office (collectively, the Federal Respondents) file this Response to Petitioner Roman Sergeevich Golovanov's (Golovanov) Petition for a Writ of Habeas Corpus.<sup>1</sup> Golovanov brings this action pro se, alleging that his detention after a final order of removal is unconstitutional because there is no significant likelihood of his removal in the reasonably foreseeable future. His Petition should be denied. Golovanov's seven-month detention under 8 U.S.C. § 1231(a) pending his removal to Russia is reasonable under *Zadvydas*. The Russian government is processing travel documents, and one has been requested for Golovanov. Removals to Russia are ongoing. A significant likelihood of his removal to Russia in the reasonably foreseeable future exists.

---

<sup>1</sup> U.S. Attorney General Pamela Bondi should be substituted for Respondents James McHenry and Lisa Monaco under Fed. R. Civ. P. 25(d).

## FACTUAL BACKGROUND

### A. General Background

Golovanov is a native and citizen of Russia. Decl. of John D. Ligon (Ligon Decl.), ¶ 4. He entered the United States in September 2005 on a K-2 visitor visa. *Id.* ¶ 4. A K-2 visa is for children under 21 years old accompanying a parent to the United States who is a fiancée of a United States citizen. *See id.* ¶ 6 and Ex. A. Golovanov was 20 years old at the time. *See id.* Ex. A (reflecting Golovanov's date of birth).

In November 2005, Golovanov applied to adjust his status to lawful permanent resident, and on January 3, 2006, his application was granted under the K2 visa program. *Id.* ¶¶ 5, 6. Golovanov later tried to naturalize as a United States citizen in 2011, but that application was denied in 2012. *Id.* ¶ 7, Ex. B. The denial was based on Golovanov's criminal history while in the United States. *Id.*

### B. Golovanov's Final Order of Removal

On July 28, 2016, Golovanov was convicted of a domestic assault in Wright County, Minnesota. *Id.* ¶ 8, Ex. C. According to the Complaint, the incident involved Golovanov punching his girlfriend in the face while she was holding their daughter. *Id.*, Ex. C. at 5. He pled guilty to misdemeanor domestic assault and was sentenced to 90 days in jail, with 87 days stayed for one year, and one year of supervised probation. *Id.* at 1-2.

On December 2, 2016, the United States Department of Homeland Security issued Golovanov a Notice to Appear (NTA) in Immigration Proceedings. *Id.* ¶ 10, Ex. E. The NTA was based on his July 28, 2016 domestic assault conviction. *Id.* (citing Section

237(a)(2)(E)(i) of the Immigration and Nationality Act, 8 U.S.C. § 1227(a)(2)(E)(i)).<sup>2</sup> On December 13, 2016, Golovanov was released from ICE custody on a bond. Ligon Decl. ¶ 11.

On November 15, 2023, an Immigration Judge at Fort Snelling, Minnesota, ordered Golovanov removed in absentia. *Id.* at ¶ 15, Ex. I. Golovanov had appeared at some hearings throughout the removal proceedings, which extended through the COVID-19 pandemic, but failed to appear on November 15, 2023. *Id.*

On May 28, 2024, Golovanov moved to reopen his removal proceedings. *Id.* ¶ 17.

On August 16, 2025, Golovanov ICE Enforcement and Removal Operations St. Paul (ERO) arrested Golovanov on the 2023 removal order and took him into custody. *Id.* ¶ 18, Ex. K.

On September 19, 2024, the Immigration Judge granted Golovanov's motion to reopen his removal proceedings, citing, among other things, confusion in the record regarding his representation and address. *Id.* ¶ 19, Ex. L.

---

<sup>2</sup> 8 U.S.C. § 1227(a)(2)(E)(i) provides:

**“Domestic violence, stalking, and child abuse**

Any alien who at any time after admission is convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment is deportable. For purposes of this clause, the term “crime of domestic violence” means any crime of violence (as defined in section 16 of title 18) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.”

On November 26, 2024, the Immigration Judge issued Golovanov a final order of removal to Russia. *Id.* Ex. M. The order was based on his domestic assault conviction under INA Section 237(a)(2)(E)(i) (8 U.S.C. § 1227(a)(2)(E)(i)). Golovanov’s application for cancellation of removal for lawful permanent residents under INA Section 240A(a) (8 U.S.C. § 1229b) was denied. Ex. M at 2. Golovanov reserved the right to appeal, but did not do so. Ligon Decl. ¶ 21; Ex. M at 4. He notified ICE on December 12, 2024, that he did not want to appeal the Immigration Judge’s decision. *Id.* ¶ 21.

**C. Golovanov’s Additional Criminal History**

After the domestic assault conviction underlying his removal proceedings, Golovanov was convicted of additional crimes. On August 23, 2016, he pled guilty to DWI-Fourth Degree in Hennepin County, Minnesota, and was sentenced on that offense. *Id.* ¶ 9, Ex. D. On December 7, 2018, Golovanov was sentenced for Disorderly Conduct. *Id.* ¶ 12, Ex. F. In 2023, he was charged with Burglary in Wright County and DWI in Hennepin County; both cases remain pending. *Id.* ¶¶ 13-14, Exs. G, H. And in 2024, before his arrest on the 2023 removal order, he pled guilty and was sentenced in North Dakota District Court, Cass County for the unauthorized use of a motor vehicle. *Id.* ¶ 16, Ex. J.<sup>3</sup>

**D. Progress Towards Removal**

ICE has requested a travel document for Golovanov to return to Russia. On January 3, 2025, ICE ERO submitted a travel document request to ICE headquarters for

---

<sup>3</sup> In the Decision denying Golovanov’s N-400 naturalization petition, the agency cites an additional conviction for Golovanov from 2010. *See* Ligon Decl. Ex. B at 2.

Golovanov's removal to Russia. *Id.* ¶ 22. On January 23, 2025, ICE headquarters submitted the travel document request to Consulate General of the Russian Federation in New York, New York. *Id.* ¶ 24.

The government of Russia has continued to process travel documents for its citizens. *Id.* ¶ 31. According to ICE statistics found at [www.ice.gov/statistics](http://www.ice.gov/statistics) (removals), in FY 2024 ICE removed 433 individuals to Russia. *Id.* In FY 2025, thus far, ICE has removed 127 individuals to Russia. *Id.* The process can take six months or more to conclude. *Id.* Based on the progress to date, Golovanov's removal is significantly likely in the reasonably foreseeable future. *Id.*

#### **E. Custody Reviews**

On January 8, 2025, ICE ERO issued Golovanov a Notice of File Custody Review, reflecting that he was detained during the 90-day removal period under INA Section 241(a) (8 U.S.C. § 1231(a)). *Id.* ¶ 23, Ex. N.

On February 24, 2025, ICE ERO reviewed Golovanov's custody status, and, on March 4, 2025, issued him a Decision to Continue Detention. *Id.* ¶ 26, Ex. O. The Decision noted Golovanov's pending criminal charges, and stated, "You appear to be a threat to the public." *Id.* at 1. It further stated that, "ICE believes your removal to Russia is likely in the reasonably foreseeable future." *Id.*

On May 14, 2025, ICE ERO conducted another custody review interview; that review is pending with ICE headquarters. *Id.* ¶ 29.

ICE ERO has checked with ICE headquarters frequently on the status of the travel document request for Golovanov. *Id.* ¶ 30.

Golovanov is currently in custody at the Freeborn County Adult Detention Center in Albert Lea, Minnesota. Petition, Dkt. 1 at 2.

## ARGUMENT

### A. Scope of Review

Judicial review of immigration matters, including immigration detention issues, is limited. *I.N.S. v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *see also Hampton v. Mow Sun Wong*, 426 U.S. 88, 101 n.21 (1976) (“[T]he power over aliens is of a political character and therefore subject only to narrow judicial review.”). The Supreme Court has thus “underscore[d] the limited scope of inquiry into immigration legislation,” and “has repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens.” *Fiallo v. Bell*, 430 U.S. 787, 792 (1977).

The plenary power of Congress and the Executive Branch over immigration necessarily encompasses immigration detention, because the authority to detain is elemental to the authority to deport, and because public safety may be at stake. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) (“Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government’s political departments largely immune from judicial control.”); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of this deportation procedure.”); *Wong Wing v. United States*, 163 U.S. 228, 235 (1896) (“Proceedings to exclude or expel would be vain if those accused could not be held in custody pending the

inquiry into their true character, and while arrangements were being made for their deportation.”).

Golovanov’s sole challenge is to his continued civil immigration detention pending his removal. He does not challenge his final order of removal, nor could he. Jurisdiction over a challenge to a final order of removal lies exclusively with the appropriate circuit court of appeals. *See* 8 U.S.C. § 1252(g); *see also Tostado v. Carlson*, 481 F.3d 1012, 1014 (8th Cir. 2007) (exclusive jurisdiction to review final orders of removal is with the circuit, not district, court).

**B. Golovanov’s post-final removal order detention is constitutional.**

Golovanov’s detention under 8 U.S.C. § 1231(a) to effectuate his removal to Russia is constitutional. His post removal order detention exceeds the presumptively reasonable six-month period under *Zadyvdas v. Davis*, 533 U.S. 678 (2001), by approximately one month. Removals to Russia are ongoing. ICE has requested a travel document for Golovanov from the Russian government and expects his removal to occur in the reasonably foreseeable future.

**1. Legal Standard**

Under the Supreme Court’s decision in *Zadyvdas*, a person subject to a final order of removal cannot, consistent with the Due Process Clause, be detained *indefinitely* pending removal. 533 U.S. at 699-700. *Zadyvdas* established a temporal marker: post-final order of removal detentions of six months or less are presumptively constitutional. 533 U.S. at 701. Detentions longer than six months comport with due process if a

“significant likelihood of removal in the reasonably foreseeable future” exists. *Id.* As the Supreme Court explained:

After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing. And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the “reasonably foreseeable future” conversely would have to shrink. *This 6-month presumption, of course, does not mean that every alien not removed must be released after six months. To 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.*

*Id.* (emphasis added); see also *Johnson v. Guzman Chavez*, 594 U.S. 523, 529 (2021).

Thus, under *Zadvydas*, a habeas petitioner has the initial burden of demonstrating that there is no significant likelihood of his or her removal in the reasonably foreseeable future. *Id.* If the petitioner does so, the government must rebut that showing. *Id.*

After the Court’s decision in *Zadvydas*, the U.S. Department of Homeland Security promulgated comprehensive regulations to implement the *Zadvydas* mandate. See 8 C.F.R. §§ 241.4, 241.13, 241.14, 66 Fed. Reg. 56967-01, 56969 (Nov. 14, 2001). Accord *Alexander v. U.S. Attorney General*, 495 F. App’x 274, 277 (3d Cir. 2012) (“*Zadvydas* is not the only word on post-removal detention; regulations promulgated around the time of, and after, the *Zadvydas* decision established a series of processes for determining whether an alien should be released from custody after the expiration of the ninety-day removal period.”). These regulations govern immigration detention of aliens subject to a final order of removal and establish a systemized process for detention reviews.

Section 241.4 of the regulations requires that a detainee be given a post-order custody review before the 90-day statutory removal period expires, if removal cannot be accomplished during the 90-day period. 8 C.F.R. § 241.4(k)(1)(i). Numerous considerations factor into this initial custody review, including the detainee's criminal history. 8 C.F.R. § 241.4(f). To release a detainee at this point, DHS must conclude, among other things, that he or she is "not likely to pose a threat to the community following release." 8 C.F.R. § 241.4(e).

Section 241.13 addresses the substantial likelihood of removal in the reasonably foreseeable future standard established in *Zadvydas*. It provides numerous factors relevant to the standard, including the "ongoing nature of the Service's efforts to remove this alien," and states that "[w]here the Service is continuing its efforts to remove the alien, there is no presumptive period of time within which the alien's removal must be accomplished, but the prospects for the timeliness of removal must be reasonable under the circumstances." 8 C.F.R. § 241.13(f).

**2. Golovanov has not met his burden under *Zadvydas*.**

Golovanov has not met his initial *Zadvydas* burden. He argues that his six-month presumptively reasonable period under *Zadvydas* began to run on December 25, 2024, and has now elapsed. Dkt. 1 at 6. He further contends that the delay in obtaining a travel document for him from Russia means that one will not be forthcoming, and that "Russia is not taking deportees due to its ongoing war." *Id.* at 5, 8.

The immigration judge issued Golovanov's removal order on November 26, 2024. Ligon Decl. ¶ 20, Ex. M. While he reserved the right to appeal, he did not do so, and

informed ICE on December 12, 2024, that he did not want to appeal. *Id.* ¶ 21. At that point, his removal order became administratively final, and the 90-day removal period began to run. 8 U.S.C. § 1231(a)(1)(B)(i); 8 C.F.R. § 1241.1(b).<sup>4</sup> The presumptively reasonable six-month period ran in mid-June 2025, and Golovanov is currently at approximately seven months of detention post final removal order.<sup>5</sup>

Exceeding the six-month marker is not dispositive. *Zadvydas* establishes no such bright line rule regarding length of detention. Rather, the Court in *Zadvydas* explicitly recognized that detention longer than six months is constitutional if removal will be accomplished reasonably soon. 533 U.S. at 701. *See also* 8 C.F.R. § 241.13(f); *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002) (detainee must “present any facts indicating that the INS is incapable of executing his removal . . . and that his detention will, therefore, be of an indefinite nature”); *Gahamanyi v. Baniecke*, No. 07-cv-4007 (RHK/RLE), 2008 WL 5071098, at \*11 (D. Minn. Nov. 24, 2008) (same).

Golovanov cannot discharge his burden by simply citing the length of his detention post-removal order and concluding that Russia will not allow his return. *E.g., Lema v. U.S.*

---

<sup>4</sup> Golovanov cites December 25, 2024, the end of his 30-day appeal period from his November 26, 2024 removal order, as the operative date. Dkt. 1 at 6. *See* 8 C.F.R. § 1241.1(c). The government uses the December 12, 2024 appeal waiver date, the earlier date more beneficial to Golovanov.

<sup>5</sup> Golovanov’s immigration detention from August 16, 2024, when he was arrested and taken into custody, to September 19, 2024, when his removal proceedings were reopened at his request, was on his first removal order – the order that was issued in abstentia on November 15, 2023. Ligon Decl. ¶¶ 15, 18. That detention was mandatory under 8 U.S.C. § 1231(a)(1)(A), (2)(a), as it was part of the 90-day removal period during which § 1231 requires detention to facilitate removal. The approximately two-month period of detention between the reopening of Golovanov’s removal proceeding in September 2024 and the order of removal on November 26, 2024, was based on 8 U.S.C. § 1226, and is not included in the *Zadvydas* post removal order calculus.

*I.N.S.*, 214 F. Supp. 2d 1116, 1118 (W.D. Wa. 2002) (“The mere fact that six months has passed since petitioner was taken into INS custody does not satisfy his burden.”). Golovanov is incorrect that Russia is not accepting deportees due to the war. The government of Russia continues to process travel documents for its citizens, and removals to Russia are ongoing. Ligon Decl. ¶ 31. According to ICE statistics found at [www.ice.gov/statistics](http://www.ice.gov/statistics), in FY 2024 ICE removed 433 individuals to Russia. In FY 2025, thus far, ICE has removed 127 individuals to Russia. *Id.*

In sum, Golovanov’s citation of a period of detention of slightly longer than six months and incorrect assertion about the status of removals to Russia do not satisfy his burden under *Zadvydas*. The Court should dismiss his Petition.

**3. There is a significant likelihood that Golovanov will be removed in the reasonably foreseeable future.**

Even if Golovanov had met his burden under *Zadvydas*, Respondents have rebutted any such showing. The Declaration of Deportation Officer John D. Ligon lays out the basis for detaining Golovanov and the ongoing process of removing him to Russia. ICE has requested a travel document for Golovanov from the Russian government, and that request has been pending for approximately five months. Ligon Decl. ¶ 24. There is no indication that the request will not be granted; to the contrary, Russia is processing travel documents and removals to Russia are ongoing. Ligon Decl. ¶ 24. It is not unusual for the process to take time. *Id.* ¶ 31. Due to these ongoing efforts by immigration officials, progress is being made, and Golovanov’s removal is substantially likely to occur in the reasonably foreseeable future. *Id.* ¶ 31. *See also Kazakov v. Immigration and Customs Enforcement Field Director*, No. 2:24-cv-00774, 2024 WL 4268074, at \*3 (W.D. Wa. Sep. 5, 2024),

*report and recommendation adopted*, 2024 WL 426668 (Sep. 23, 2024) (dismissing petition where respondent in process of obtaining travel document from Russia); *Gubanov v. Archambeault*, 2021 WL 242959, at \*4 (S.D. Cal. 2021); *Nagorskiy v. Weber*, 2010 WL 2024489 (D.N.J. May 18, 2010).

Golovanov is also receiving custody reviews from ICE. *See* Ligon Decl. ¶¶ 25, 26, 29. Due to his criminal history, however, ICE has determined that he should remain in custody pending his removal. Ligon Decl. ¶ 26, Ex O.

This satisfies *Zadvydas*. *See, e.g., Khan v. Fasano*, 194 F. Supp. 2d 1134, 1136 (S.D. Cal. 2001) (new repatriation procedure in place was sufficient to show removal substantially likely in reasonably foreseeable future); *Jaiteh v. Gonzales*, No. 07-cv-1727 (PJS/JJG), 2008 WL 2097592, at \*3 (D. Minn. Apr. 28, 2008), *report and recommendation adopted*, 2008 WL 2074163 (May 14, 2008) (“[W]here a foreign country ordinarily accepts repatriation, and that country is acting on an application for travel documents, most courts conclude the alien fails to show no significant likelihood of removal.”). *Cf. Zadvydas*, 533 U.S. 684-85 (detainee was stateless); *Jama v. ICE*, 01-cv-1172 (JRT/AJB), 2005 WL 1205160, at \*4 (D. Minn. May 20, 2005) (habeas relief granted where failed deportation attempt occurred, and court concluded that it “may well be impossible” under the conditions in Somalia at that time). Golvanov is not stateless, and rather than “impossible,” his removal to Russia is likely.

As Magistrate Judge Thorson summarized, there are generally five circumstances where courts have found no significant likelihood of removal: “(1) where the detainee is stateless, and no country will accept him; (2) where the detainee’s country of origin refuses

to issue a travel document; (3) where there is no repatriation agreement between the detainee's native country and the United States; (4) where political conditions in the country of origin render removal virtually impossible; and (5) where a foreign country's delay in issuing travel documents is so extraordinarily long that the delay itself warrants an inference that the documents will likely never issue." *Ahmed v. Brott*, No. 14-cv-5000 (DSD/BRT), 2015 WL 1542131, at \*4 (D. Minn. Mar. 17, 2015), *report and recommendation adopted*, 2015 WL 1542155 (Apr. 7, 2015).

Golovanov recognizes these factors, Dkt 1 at 8, arguing that he falls into category number 4 above (political conditions in the country of origin render removal virtually impossible). But this is not the case. Russia is processing travel documents, and hundreds of removals to Russia per year are occurring. Ligon Decl. ¶ 31. His travel document has been requested and is pending. *Id.* ¶ 24. His continued detention to effectuate his removal satisfies constitutional due process. *See, e.g., Joseph K. v. Berg*, No. 18-cv-3125 (DWF/HB), 2019 WL 13254377, at \*3-4 (D. Minn. Mar. 15, 2019), *report and recommendation adopted*, 2019 WL 13254378 (May 3, 2019); (recommending denial of habeas petition where removal to Liberia had taken more than ten months); *Nadin K. v. Barr*, No. 18-cv-3223 (PJS/BRT), 2019 WL 13254351, at \*3 (D. Minn. Mar. 11, 2019), *report and recommendation rejected as moot*, 2019 WL 23387804 (May 17, 2019) (same). Thus, even if Golovanov could meet his burden under *Zadvydas*, Respondents have adduced evidence showing a significant likelihood of removal in the reasonably foreseeable future. Accordingly, the Petition should be denied.

## CONCLUSION

For the foregoing reasons, the Federal Respondents respectfully request that the Court deny the Petition without an evidentiary hearing.

Dated: July 14, 2025

JOSEPH H. THOMPSON  
Acting United States Attorney

*s/ Ann M. Bildtsen*

BY: ANN MARIE BILDTSEN  
Assistant United States Attorney  
Attorney ID Number 0271494  
600 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
(612) 664-5600  
[ann.bildtsen@usdoj.gov](mailto:ann.bildtsen@usdoj.gov)  
Attorneys for Federal Respondents