

Viktor Borisovich Tairov
A# [REDACTED]
Northwest Detention Center
1623 East J Street
Tacoma, WA 98421-1615

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VIKTOR BORISOVICH TAIROV,

Petitioner,

v.

PAMELA BONDI, Attorney General of
the United States; KRISTI NOEM,
Secretary, United States Department of
Homeland Security; CAMMILLA
WAMSLEY, Seattle Field Office
Director, United States Citizenship and
Immigration Services; WARDEN of
Immigration Detention Facility; and the
United States Immigration and Customs
Enforcement,

Respondents.

No.

PETITION FOR WRIT OF HABEAS
CORPUS BY A PERSON IN FEDERAL
CUSTODY PURSUANT TO 28 U.S.C.
§ 2241

PETITION

1. Place of detention:

Northwest Detention Center, 1623 East J Street, Tacoma, Washington 98241-
1615, pursuant to a contractual arrangement with my custodian, the ICE Field Office
Director at Seattle, Washington.

2. Name and location of court and name of judge who imposed confinement:

ICE Field Director, Seattle, Washington.

3. Case Number or numbers [ICE file number, if known]:

A# [REDACTED]

1 4. Date of Order of Confinement:

2 A. Taken into custody by ICE: June 4, 2025

3 B. Date of Order of Removal: October 28, 2003

4 5. Did you appeal from the judgment of conviction or the imposition of sentence:

5 N/A

6 6. If you answered "yes" to (5), list

7 A. The name of each court or administrative tribunal to which you appealed:

8 N/A

9 B. The result in each court to which you appealed:

10 N/A

11 C. The date of each result:

12 N/A

13 D. If known, citations of any written opinions or orders entered pursuant to
14 such results:

15 N/A

16 7. Have you previously filed petitions for habeas corpus, motions under section
17 2255 of Title 28, United States Code, or any other applications, petitions or
18 motions with respect to this confinement:

19 None

20 8. If you answered "yes" to (7), list with respect to each petition, motion or
21 application:

22 A. The specific nature thereof:

23 N/A

24 B. The name and location of the court in which each was filed:

25 N/A
26

1 C. The disposition:

2 N/A

3 D. The date of such disposition:

4 N/A

5 E. If known, citations of any written opinions or orders entered pursuant to
6 each such disposition:

7 N/A

8 9. State concisely the grounds on which you base your allegation that you are being
9 held in custody unlawfully, and the facts which support each of the grounds.

10 **GROUND FOR RELIEF**

11 A. My indefinite detention by respondent ICE is in violation of my rights to
12 procedural and substantive due process, as guaranteed by the Fifth Amendment to the
13 United States Constitution.

14 B. My rearrest despite my full my compliance with release conditions and
15 despite no change in circumstances related to my removability violates both the due
16 process guarantee and the Administrative Procedures Act.

17 C. Because I am seeking relief related only to my custody status, which is
18 not inconsistent with an order of deportation, exhaustion of administrative remedies, if
19 any, is not required.

20 D. I was taken into ICE custody on June 4, 2025. My order of removal
21 became final on October 28, 2003. In 2011, I was detained over 180 days, at which time
22 I was released from custody because ICE is unable to deport me.

23 E. ICE remains unable to effectuate my removal to Russia, which the State
24 Department has designated as "uncooperative" because it refuses to accept deportees in
25 a timely manner. I have done everything that ICE has asked me to do to try to get travel
26 documents and will cooperate fully in the process of getting travel documents.

1 F. After my release on supervision, I continually reported to ICE and
2 complied with every other requirement. A court dismissed the charges related to my
3 only arrest with prejudice three years ago. My monthly report date was scheduled for
4 June 9, 2025. I received an email from D.O. Cvitanovic requesting that I appear on June
5 4, 2025 to pick up an “in-compliance” letter to use for renewing my Employment
6 Authorization Document. That request was a ruse to rearrest me when I appeared as
7 requested.

8 G. My rearrest resulted from a change in ICE policy, not from an
9 individualized assessment of my risk of flight or dangerousness, and not because of any
10 increased likelihood of removal. I had always appeared at all of my scheduled report
11 dates and was fully in compliance with ICE’s requirements. At the time of my rearrest,
12 the ICE officer told me that they did not have travel documents for me yet, and no one
13 has come to visit me to update me regarding the status of my travel document.

14 H. Removal to a third country would short-circuit the removal process
15 already underway to my home country, deny me a meaningful opportunity to complete
16 the process of removal to my country of nationality, and be purely punitive.

17 I. My rearrest, despite full compliance with supervision conditions, violates
18 my rights to Due Process, fails to comply with the APA’s prohibition on arbitrary
19 government action, and ignores the requirements of 8 CFR 241.13(i)(2). ICE did not
20 follow its own rules when rearresting me. *See Kong v. United States*, 62 F.4th 608, 619-
21 20 (1st Cir. 2023) (regulation requires ICE to show “(1) and individualized
22 determination (2) by ICE that (3) based on changed circumstances (4) removal has
23 become significantly likely in the reasonably foreseeable future.”); *Nguyen v. Hyde*, 25-
24 cv-11470-MJJ (D. Mass. June 2025) (Ordering petitioner’s release when ICE could not
25 meet its regulatory burden). ICE provided no lawful rationale for the decision to
26 rearrest me. *See Citizens to Preserve Overton Park, Inc. v. Volpe*, 401 U.S. 402, 413-14

1 (1971) (citing 5 U.S.C. § 706(2)(A)-(D)) (“In all cases agency action must be set aside
2 if the action was ‘arbitrary, capricious, an abuse of discretion or otherwise not in
3 accordance with law’ or if the action failed to meet statutory, procedural, or
4 constitutional requirements.”).

5 J. I am neither a danger nor a flight risk. Since my release thirteen years
6 ago, I have been a productive, law abiding member of the community. I have built a
7 career in cloud communications as an engineer, working legally and paying taxes.

8 K. Because there is not good reason to believe my removal will be
9 effectuated in the foreseeable future, ICE has no statutory authority pursuant to
10 8 U.S.C. § 1231(a)(6) to detain me. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Lin Guo*
11 *Xi v. INS*, 298 F.3d 832 (9th Cir. 2002); *Thai v. Ashcroft*, 366 F.3d 790 (9th Cir. 2004).

12 L. The statute authorizing my detention, 8 U.S.C. § 1231, and related
13 regulations are unconstitutional as applied to me and others like me. Because ICE’s
14 communications with my country establish no reason to believe I will be deported in
15 the reasonably foreseeable future and because I am neither a danger nor a flight risk,
16 my re- detention is purely a punitive measure that violates my constitutional rights. *See*
17 *Wong Wing v. U.S.*, 163 U.S. 228, 237 (1896) (holding that punitive measures could not
18 be imposed upon immigrants ordered removed because “all persons within the territory
19 of the United States are entitled to the protection” of the Constitution).

20 10. Do you have any petition or appeal now pending in any court or administrative
21 body as to the claims raised above?

22 N/A

23 11. Have you exhausted your administrative remedies with respect to the claims
24 raised above?

25 *See* 9(C), above.
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1 12. If you are seeking leave to proceed in forma pauperis, have you completed the
2 sworn affidavit setting forth the required information?
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PRAYER FOR RELIEF

Based upon the illegal and unconstitutional actions listed above, I request that the Court grant my petition and direct respondent to release me from custody, as well as any other relief to which I may be entitled in this proceeding under 28 U.S.C. § 2241.

I verify, under penalty of perjury, that the foregoing information is true and correct to the best of my recollection.

DATED this 7 day of August, 2025.

Respectfully submitted,

V. Tairov [SIGN NAME]

Viktor Borisovich Tairov

A# 

Northwest Detention Center

1623 East J Street

Tacoma, WA 98421-1615

In Propria Persona