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**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

VLADISLAV BERNSHTEIN,

Petitioner,

v.

Case No. 3:25-cv-01153-MMH-PBD

U.S. ATTORNEY GENERAL, U.S  
DEPARTMENT OF HOMELAND  
SECURITY, and U.S. IMMIGRATION  
AND CUSTOMS ENFORCEMENT

Respondents.

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**PETITIONERS' MOTION TO GRANT**

**PETITION FOR WRIT OF HABEAS CORPUS**

Based on the foregoing, ICE continued detention is unlawful, unconstitutional and violates Petitioners 5<sup>th</sup> Amendment Right. Petitioners' motion to grant petition for writ of habeas corpus because of Respondents' claims and their fabricated, false statements to dismiss Writ of Habeas Corpus are not true. Petitioner is demonstrating that there is a good reason to believe that there is no significant likelihood of Petitioners' removal from United States in the

reasonably foreseeable future. As discussed more fully below, Petitioner fully cooperated with immigration officials in their attempt to obtain travel documents; Petitioner has been in Respondents' custody for almost 10 months at this time of the reading this which validates there is no significant likelihood of removal in reasonably foreseeable future. As such, the Petition should be granted.

### Discussion

**A. Petitioner did NOT failed to Cooperate in obtaining travel documents; thus, at the time of filing Petitioners post-removal order detention had exceeded six months.**

False Fact #1: Respondents stated the alien has caused an intentional delay.

Argument: Alien did not intentionally cause a delay. Petitioner always fully cooperated and has been ready to fill out and sign with attempting to obtain travel documents for multiple countries. However, on April 17, 2025 when Petitioner received documents they were written only in Russian language. Petitioner right away advised he can not read or write in Russian language because Petitioner came to the United States as a young child soon to be 37years ago. Therefore, Petitioner asked to get the travel documents translated to English.

Petitioners' deportation officer said he will get the translation in English. After asking countless times and officers where are the translated questions It took Respondents' 8 weeks to bring the translated documents but only 15 out of the 25 questions were translated. Petitioner advised officer right away the last 10 questions were missing in translation and only response was given by the officer "ohhh oops ohhh well It does not matter I already used your signed paperwork from year 2017 of Ice custody to obtain your travel documents for Russia and Belarus". Respondents advised Petitioner in a bullying manner that it needed to be filled out anyways on the spot right now and signed or it would be a failure to cooperate and Petitioner would be in Respondents' custody for four years without release.

False Fact #2: Respondents' states Petitioner's 90-day review was done on August 2, 2025.

Argument: Petitioner came into Respondents custody March 31, 2025 and was told in end of May 2025 that Petitioner should have 90-day review near of end of June 2025. Respondents took over two months extra for review. Petitioner never had any knowledge that review was ever being conducted, nor did Petitioner ever have interview with Respondents'. Petitioner never had any documents presented about 90-day review nor was Petitioner given any documents for reason of denial.

On September 22, 2025 Petitioner's 180-day review was conducted. Once again Petitioner was never told what was the outcome of the review. After countless written requests, emails and phone calls to respondents which stated it was Petitioner's constitutional right to be given legal paperwork documents which stated an answer and reason why Petitioner was being held in Respondents' custody after 180-day review. Petitioner was finally given 180-day review document scheduled with Ice on December 16, 2025 three months after the original review was conducted without stating any reason why Petitioner was being kept in Respondents' custody. *(see attachment J1-J2)*

Petitioner is now still in Respondents' custody for nine and a half months at the time of this letter. Nine months review appointment has not been mentioned to petitioner nor has not been conducted.

**B. Petitioner has NOT failed to good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future and it was back in September 2025 Writ of Habeas Corpus was presented now it is January 2026 almost soon to be 4 months after of the presentation therefore Petitioner's motion should be granted.**

On October 24, 2025 Respondents' referred Petitioners' case for possible third-country removal. In January 2026 Petitioner is still in Respondent's custody with no evidence at all nor have the Respondents demonstrated that there is a good reason to believe that there is a significant likelihood of Petitioner's removal from United States in the Reasonably foreseeable future ( *see Munoz Saucedo v Pitman 2025 28 U.S.C 2241* ).

**C. Respondents failed to respond to the 60-day grace period in a respectful manner of the clerk of court. Therefore Respondent's motion to dismiss shall NOT be granted.**

Respondents filed motion to dismiss on December 5, 2025 and sent a copy to Petitioner deliberately late through via mail which was received by Petitioner on December 29, 2025 at North Florida Detention Facility. Petitioner has very limited resources at this facility and had to wait multiple days to be called to the " law library" to type up this document plus not to mention one laptop for thirteen hundred detainees. Plus, the printer would not do print outs and Petitioner had to wait multiple days for the IT staff to come fix it. Petitioner should be allowed and granted this extra time to present this motion of the Respondents fabricated false statements.

**Conclusion**

Based on statements made by Respondents' of Headquarters removal and international operations after almost four months of their failure to obtain travel documents and countless other tries to third party countries have resulted in unlawful detention at the ten month of being in custody based on the aforementioned and continued engagement that there is no significant likelihood of removal in the reasonably foreseeable future. This also proves the Petitioner has been fully compliant with Respondents to effectuate Petitioner's removal.

In addition to there facts Petitioner is a blue band custody level which is the lowest level there is at the facility. Petitioner is not a flight risk nor a threat to community and has employment waiting for him. Petitioner is more then willing to comply with any conditions ICE deems necessary.

Date: January 4, 2026

Respectfully submitted,  
VLADISLAV BERNSHTEIN  
North Florida Detention Facility  
20706 US Highway 90 West  
Sanderson, Florida 32087

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 4, 2026 I filed the foregoing document with the clerk of court. I further certify that copy of the foregoing document will be sent to the below participants using via U.S. Mail.

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