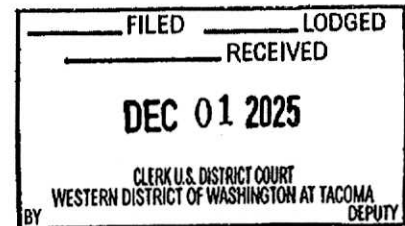


UNITED STATES DISTRICT COURT

WESTERN OF WASHINGTON

TACOMA DIVISION



Danilo Dzyuban

Petitioner,

V.

IMMIGRATION CUSTOM ENFORCEMENT

et al,

Respondent,

Case No. 2:25-cv-01919-KKE-BAT

**PETITIONER REPLY TO THE
FEDERAL RESPONDENT
RESPONSE**

The court should not deny the Petitioner Danilo Dzyuban for writ of Habeas corpus claim. The Petitioner did not get the appropriate assistance from his counsel for Bond hearing, as the Petitioner did not fail to depart United States but the government did assign an officer to help him with that.

The petitioner is detained since his First Order of removal on October,20, 2024.

1| REPLY TO THE FEDERAL RESPONDENT RESPONSE

The government since October, 20, 2024 did not facilitate his removal or where able to get him a travel document either from Ukraine or Russia, as the government did not offer him to be removed back to Canada where he came from .

I. Respond to Background

A. Legal Background

The government violating the Petitioner fifth amendment clause, no one should held in detention for an infinite time, the government by Forcing general law of 8 U.S.C 1226(Authorizing Post order detention) and 8 U.S.C 1231(a)(Authorizing Post – order detention), violating the Petitioner constitution rights of the eight amendment by charging him of removal order while the did not facilitate his volunteer departure , the district court has Jurisdiction under 8 U.S.C 1331 because the Petitioner from a territory of Conflict which Donetsk between Ukraine and Russia and Both countries want to take over his state under their control through a war action. Petitioner is not properly detained under 90 day review, he has been detained since June 13, 2024 which it is violation of his 5th Amendment clause.

Zadvydas V. Davis, 533 US, 678, 700 – 01(2001) does not apply on the Petitioner, the Petitioner has no criminal history, the Petitioner has the right to refile his asylum application again for the bad circumstances and country change condition of his native home Donetsk territory.

II. Background

Using 8 U.S.C 1226 and 8 U.S.C 1231(9)(1) to keep the Petitioner in detention while the government lies in their effort to effectuate the Petitioner removal, keeping the Petitioner in detention under 1231(a)(2) is a violation of his 8th Amendment of Constitutions and it becomes as a punishment

B. Factual Background response

Petitioner is native of Donetsk a territory area has been going in conflict between Russia and Ukraine Since Russian Federation occupied the territory on 2014, Petitioner has sort of citizenship of Russia, Russia has been designated by the State Department as an “uncooperative county” to remove their citizens *see Revenko V. Bondi. 2025 U.S Dist Lexis 17295*, with Revenko case he has criminal charge as Russia has been declared as a non collaborative country to accept him, but the petitioner does not have any criminal charge or danger to the community, the petitioner suffer from Insufficient assistance of counsel when his lawyer withdrew his bond hearing on April,8,2025 because his lawyer state to him that he cant do a bond hearing for lack of family member or sponsor but the petitioner in determined by the DHS is an as *Franco-Gonzalez* class member *see Danilo Dzyuban declaration EX.A.*

See Bernik v. Bondi 2025 U.S Dist Lexis U.S Dist Lexis 179295 in his habeas case has been granted while Ukraine his native home and ICE was not able to remove to Ukraine as he has a criminal murder charges, his writ of habeas was granted

Because there is no way that he be removed.

The petitioner removal from the United States almost impossible, the petitioner does not have any criminal charge and he has a clean record.

If we compare the petitioner case with *Bernik v. Bondi 2025 U.S Dist Lexis U.S Dist Lexis 179295* , the petitioner must be released immediately.

On August 1,2024;

The charge that has been pressed against the petitioner on June,13,2024 under 212(a)(6)(A)(i) can not be considered, because the petitioner when he crossed the border he has been designated by the (IHSC) of ICE corps at the NWIPC of a serious mental disorder, the ERO placed the petitioner Franco-Gonzales membership.

The immigration judge violate due process clause when she did not assign for the petitioner a counsel or facilitate a counsel under the sixth amendment on July, 11,2024 because his disorder disability has been known before the court date on July,03,2024, this is his right under the federal law and the constitution who protect the disable people under the umbrella of the United states constitution, until after she assigned a Qualified representative on March,26,2025 for him she violate his fifth amendment clause by keeping him in indefinite detention for almost more than eight months till to get him a QR representative to release him on bond while he does not a threat to the or danger to the community.

4| REPLY TO THE FEDERAL RESPONDENT RESPONSE

Since the removal order of the petitioner on October,20,2024, the government was not able to remove the petitioner to Ukraine or Russia with violation of the fifth amendment statue, he has been in indefinite confinement , the petitioner was under 21 years old when has been detained by ICE *See Danilo Dzyuban declaration EX.A ,*

After December, 18,2024 and December, 19,2024, the DHS motion to reconsider a bond hearing despite the final order or removal.

EOIR with DHS fail to deport the petitioner until this moment, the petitioner has been in detention since December, 18,2024 in prolonged detention.

The QR asked the petitioner to get sponsor to get him granted order to be released on bond.

The petitioner has no relative or friends in United States, as the petitioner does not need sponsor under Franco- Gonzalez.

There was no explanation from the petitioner counsel why the immigration court and the QR who was assigned by the court withdrew the petitioner bond hearing ,

The immigration judge order to remove the petitioner to Russia or Ukraine is not possible in the foreseeable time, Russia has been designated as non cooperative country and Ukraine is invaded by Russia until the moment the war is escalated.

III. Argument

The petitioner has been in detention for almost 18 months with a violation of the supreme court decision for Zadvydas, 533 at 701, 8 U.S.C 1231(a)(2) does not apply on the petitioner anymore, the petitioner should be released from his confinement while he is not threat to the community and he does not have any criminal charges or history, keeping him in confinement continue of his Fifth amendment clause violation, as the petitioner has the right to refile his asylum application and apply for a work permit, while his native home Donetsk is still going in war and its occupied by Russia military forces, under the 28 USCS 1331 the district court has jurisdiction on his petition and his removal petition, because keeping him in indefinite confinement is violation of the United States treaties for asylum seekers.

1.Reply to Section 1231 (a)(2) prohibits the relief petitioner seeks

The petitioner did not fail to state a claim for habeas relief because his removal order was on October, 20,2024 NOT August, 06,2025. The 90 days period was expired since on January, 20, 2025.

The petitioner was not informed by his lawyer that he has been assigned by the court about the volunteer departure, as the DHS did not facilitate his volunteer departure with the US Marshall by September,17,2025, the charge for removal

order on September,17,2025 should be vacated because of IAC counsel *see Danilo Dzyuban declaration EX.A.*

The khotessouvan v. Morones, 386 F.3d 1299,1301 (9th circ. 2004) (affirm dismissal of habeas petition brought in 90 days during the 90 days). This case does not apply on the petitioner first removal order was October,20,2024 the second prolonged detention is not constitutional if we sum the detention period by today date it is almost 18 months since June,13,2024.

The respondent alleging that *Muhamd v. ICE Field office Director, 20-cv-605-RAJ,2020 WL 6318686,at *(W.D Wash. Oct.28.2020)* applies on the petitioner which its prejudice, the petitioner does not have any criminal or any terrorism charges, the respondent with prejudice alleging fault information about the petitioner for prolonged detention under 1231(a)(2) and 1226(c) which it does not apply on the petitioner.

In the respondent response alleged that *Rodriquez v. Hayes*, 591 F.3d 1105, 1116(9th circuit.2010) apply on the petitioner it does not apply, because the petitioner has been in confinement for long detention than the due process for removal as the petitioner not dangerous to the community or flight risk.

2. Reply to Post -order detention authorize by statue and limited to indefinite period it does not raise constitutional claim

7| REPLY TO THE FEDERAL RESPONDENT RESPONSE

Its a violation of the fifth amendment to keep someone in detention more than 180 days, while he does not have any risk to the community, *in Zadvydas, 533 at 701 case the alien had criminal history in this case* which this does not apply on the petitioner who does not have any criminal charge or any threat to the American society.

Under the fifth amendment clause you cant keep the petitioner for indefinite detention again *See Bernik v. Bondi 2025 U.S Dist Lexis U.S Dist Lexis 179295*, while *Bernik v. Bondi* has a capital crime and he is from the same country of the petitioner Native of Ukraine see the Fifth amendment statue:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; no shall any person be subject for the same offense to be twice put in jeopardy of life or limb ; nor shall be compelled in any criminal case to be a witness against himself, no be deprived of life, liberty, or property, without due process of law; nor shall private property be taken fro public use, with out due process of law; nor shall private property be taken for public use, without just a compensation


3. Reply to an alien interest in liberty does not rise a serious constitutional question until his detention has become indefinite or permanent


In *Zadvydas* the supreme court find that he has a criminal charges that is subject to dangerous risk to the community, while the petitioner and does not have any crime charges or threat to the community.

8| REPLY TO THE FEDERAL RESPONDENT RESPONSE

In *Jama v. ICE*, 543 U.S. 335 (2005) to remove the petitioner to third country while his country is in war, but *Jama* is not classified as Franco-Gonzales class member, which it should be considered by the court, as the petitioner withdrew his application for asylum because the IAC (Insufficient assistant of counsel) counsel did not seek a relief for him to release him from his confinement while he has been in immigration proceeding.

The government statement about the petitioner that has been detained him for short period is not true and false, the petitioner has been in confinement for Eighteen months, in *Zadvydas* the congress attest in interest in exploring possibilities for criminals to be removal does not raise a serious constitutional question because *Zadvydas* has a criminal charges pose threat to the community, The petitioner still in INDEFINITE confinement for almost 18 month, while he DOES NOT have any criminal charges or any offenses in United States or Canada where he resides before, which it raise a serious constitutional violation for asylum seekers at the United States of America, the petitioner should be released immediately to stop his pain suffer to his community.

The petitioner has been collaborative for his removal since October,20,2024 to stop his pain and suffer while he still has the fear to go back to his original territories in Donetsk that has been occupied by the Russian forces, as 


suffer psychological and health issue with the bad circumstances of the detention center with the Bad food, sleep deprivation, expensive phone calls, expensive mail service and bad life environment.

CONCLUSION

Never ever the petitioner has heard from his Qualified representative to help him to be released from his confinement or deported for his home after final.

The petitioner should qualify for the (EAJA) Equal Access Justice Act for attorney fees and compensation under the fifth amendment, the petitioner draft this reply with a help from a friend at the detention center because he has serious mental disorder which his long confinement make it worst since he lost his father at the Ukrainian Russian war.

This is date on November,20, 2025

1st ABU DAKER

Danilo Dzyuban, Petitioner

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CERTIFICATE OF SERVICE

I Danilo Dzyuban hereby certify that I served the respondent the reply for the Federal respondent Habeas return on 11.20.2025 by the first mail class at the address below:

US States Attorney
1201 Pacific Ave, Ste 700
Tacoma, WA 98402

This is dated on November,20,2025

Isl ABU BAKER
Danilo Dzyuban, Petitioner