

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANATOLII LEGKODYMOV,

Petitioner,

vs.

STEPHEN EBERLE, U.S. Marshal for the
Western District of Pennsylvania; ED
VOORHIES, Warden of the Northeastern
Ohio Correctional Center; PETER
ELLIOTT, U.S. Marshal for the Northern
District of Ohio; PAMELA BONDI, U.S.
Attorney General; MARCO RUBIO, U.S.
Secretary of State,

Respondents.

Case No. 4:25-cv-02145

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Anatolii Legkodymov (“Mr. Legkodymov”), by and through counsel, petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. §§ 2241 and 2243 and for such declaratory and injunctive relief as is necessary to remedy the prospective and unlawful detention of his person called for by Western District of Pennsylvania Magistrate Judge Christopher B. Brown in his September 23, 2025, Certification of Extraditability and Order of Commitment (“September 23 Order”) and to enjoin Respondents from further violating his legal rights by extraditing him to France. In support thereof, Mr. Legkodymov declares the following:

CUSTODY

1. Following a hearing on extraditability on June 25, 2025, before Magistrate Judge Christopher B. Brown in *In the Matter of the Extradition of Anatolii Legkodymov*, Misc. No. 2:25-mc-00123-CBB in the Western District of Pennsylvania (“W.D. Pa. Matter”), the Court ordered Mr. Legkodymov to be committed to the custody of the United States Marshal pending its decision

on Mr. Legkodymov's extraditability. On September 23, 2025, Magistrate Judge Brown found Mr. Legkodymov eligible for extradition and issued a Certification and Committal for Extradition Order. *See Ex. 1*, Order, W.D. Pa. Matter Dkt. 27. The Court's rationale behind that Order was laid out in a separate Opinion issued at the same time. *See Ex. 2*, Opinion, W.D. Pa. Matter Dkt. 26. Mr. Legkodymov has, since that June 25, 2025, hearing, been in the custody of the U.S. Marshal for the Western District of Pennsylvania, Respondent Stephen Eberle, physically housed in Youngstown, Ohio, at the Northeast Ohio Correctional Center within the Northern District of Ohio.

JURISDICTION AND VENUE

2. This action arises under the Constitution of the United States, the Extradition Treaty Between the United States of America and France signed 23 April 1996, U.S.-Fr., Sept. 30, 2004, S. TREATY DOC. NO. 109-14 (2006) (the "Treaty"), and 18 U.S.C. § 3184. This Court has jurisdiction under 28 U.S.C. §§ 2241(c)(1) and (3), as Mr. Legkodymov is presently subject to a certification of extraditability and order of commitment that requires his incarceration until such time as the Secretary of State makes a final determination as to whether he shall be extradited to France. *See* September 23 Order.

3. Venue lies in the United States District Court for the Northern District of Ohio, the judicial district in which Mr. Legkodymov is currently detained. *See Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) ("The plain language of the habeas statute . . . confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement."); 28 U.S.C. § 2241(a) (providing for habeas petitions "within [courts'] respective jurisdictions").

PARTIES

4. Petitioner Anatolii Legkodymov is a Russian citizen, detained in the United States since early 2023 after his arrest on a single count of violation 18 U.S.C. § 1960, operating an unlicensed money transmitting business. After his prosecution and guilty plea in the Eastern District of New York in criminal case number 1:23-cr-00496, Mr. Legkodymov was sentenced to time served, only to be immediately detained again pending removal to Russia. While awaiting his agreed-upon removal to Russia, France submitted a request for extradition of Mr. Legkodymov to the Department of Justice, seeking to prosecute him for money laundering offenses for the same conduct, in the same place, during the same time period for which Mr. Legkodymov had already been prosecuted and detained in the Eastern District of New York. On June 25, 2025, Magistrate Judge Brown held a hearing on this extradition request and, on September 23, 2025, found Mr. Legkodymov extraditable, ordering his commitment until such time as the Secretary of State determined whether the Secretary would effectuate his extradition.

5. Respondent Stephen Eberle is the United States Marshal for the Western District of Pennsylvania, into whose custody Mr. Legkodymov has been ordered.

6. Respondent Ed Voorhies is the Warden of the Northeastern Ohio Correctional Center, where Mr. Legkodymov is currently in custody.

7. Respondent Peter Elliott is the United States Marshal of the Northern District of Ohio, whose territorial concern includes the facility wherein Mr. Legkodymov is currently in custody.

8. Respondent Pamela Bondi is the Attorney General of the United States and is responsible for the administration of the Department of Justice and the United States Attorney's Office in the Western District of Pennsylvania, who has acted on behalf of the government of France in seeking Mr. Legkodymov's extradition.

9. Respondent Marco Rubio is the Secretary of State of the United States, to whom the applicable certification of extraditability is addressed and who is responsible for the administration of the Department of State and the implementation and enforcement of the Treaty as it is applied to Mr. Legkodymov.

10. Mr. Legkodymov remains under the direct control and custody of all Respondents and their agents.

EXHAUSTION OF REMEDIES

11. Mr. Legkodymov has exhausted all remedies available to him, and only the writ of habeas corpus remains available to provide him relief. Mr. Legkodymov and his counsel contested his extraditability before Magistrate Judge Brown both in paper filings and at the June 25th hearing. There is no direct appeal available to one challenging a court's finding of extraditability, as such an order does not constitute a "final decision[]" under 18 U.S.C. § 1291. Instead, an individual facing extradition may petition for a writ of habeas corpus to secure further review of the extraditing court's decision. *Basic v. Steck*, 819 F.3d 897, 898–99 (6th Cir. 2016) (citing *Collins v. Miller*, 252 U.S. 364, 369 (1920)).

STATEMENT OF FACTS

12. Petitioner Mr. Legkodymov has written extensively on the facts underlying the current effort to extradite him in the W.D. Pa. Matter, specifically at Dkt. 19, attached hereto as **Ex. 3**. Mr. Legkodymov fully incorporates that document by reference here and provides the Court with a summary of the facts as relevant to the current extradition effort.

13. Mr. Legkodymov is a software engineer and co-founder of cryptocurrency exchange platform Bitzlato. A native of Russia and former resident of China, Mr. Legkodymov created Bitzlato as a free service allowing crypto exchange throughout Eastern Europe and Asia.

14. By January 2023, the U.S. government had conducted an investigation into allegations of money laundering and dark-web illicit transactions funneling through Bitzlato. While only approximately \$30,000 in Bitzlato's trade volume involved individuals in the U.S., the Department of Justice charged Mr. Legkodymov with a single count of operating an unlicensed money transmitting business while he was visiting with his family in Florida.

15. Following his arrest, Mr. Legkodymov cooperated fastidiously, including by engaging in a multi-day interview with French prosecutors and investigators under an agreement not to be prosecuted there in exchange for his testimony. That testimony was observed by Assistant United States Attorneys who helped broker the agreement which gave rise to the interviews.

16. Recognizing his cooperation, his contributions to cryptocurrency technology, and his willingness to accept responsibility for Bitzlato's shortcomings in know-your-customer and anti-money laundering policies, the District Court in the Eastern District of New York sentenced him to a term of time served, roughly eighteen months in all.

17. Following his sentencing, Mr. Legkodymov was immediately detained by Immigrations and Customs Enforcement because his visa had expired. An immigration case against Mr. Legkodymov proceeded, ending with a mutual agreement by all parties for Mr. Legkodymov to be voluntarily return to Russia.

18. While awaiting that agreed-upon departure, the French formally requested the United States extradite Mr. Legkodymov on the charges of money laundering and conspiracy. This request was made by the same French investigators and prosecutors to whom Mr. Legkodymov had given his testimony, pursuant to an agreement brokered by federal agents in the Eastern District of New York.

19. This extradition request directly violates the agreement under which Mr. Legkodymov gave his testimony to the French authorities in February 2024.

20. This extradition request also directly violates the Treaty's Article 8, which prevents successive prosecution for the same offenses by extraditing one who has already been convicted in one country to face trial again in the second country.

21. As a part of the extradition request, the French government submitted a 200-page packet of information alleged to support a finding of probable cause that Mr. Legkodymov is guilty of the offenses charged in France.

22. The probable cause packet, however, contains only arguments and conclusory statements which the Department of Justice had already used in support of its sentencing argument in the Eastern District of New York. The French did not submit, and the United States did not produce, probable cause to support a finding that Mr. Legkodymov actually committed any offense in France, and thus the extradition request also violates the Treaty.

23. On June 25, 2025, Magistrate Judge Brown held a hearing concerning France's request to extradite Mr. Legkodymov. After that hearing, Judge Brown ordered Mr. Legkodymov to the commitment of the U.S. Marshal pending a final decision on extradition from the Secretary of State.

24. In its Opinion underlying the September 23rd Order, Ex. 2, Magistrate Judge Brown lists all eight charges in the French indictment but does not clearly indicate the extradition is only limited to the three charges on which the French submitted their request for extradition. *Compare* Ex. 2 at 2 (listing eight charges but erroneously listing two separate charges as number 7) *with id.* at 8–11 (discussing whether the charges of money laundering and two variations of criminal

conspiracy are “extraditable” offenses, as the only charges on which the French request extradition).

FIRST CAUSE OF ACTION: DUE PROCESS VIOLATION

25. Mr. Legkodymov incorporates by reference paragraphs 1–24 here.

26. The Fifth Amendment of the Constitution protects individuals against the deprivation of life, liberty, or property without due process of law. That Amendment applies equally to non-citizens of the United States, like Mr. Legkodymov, as it does to a citizen thereof. *Mathews v. Diaz*, 426 U.S. 67, 77 (1976) (“There are literally millions of aliens within the jurisdiction of the United States. The Fifth Amendment . . . protects every one of these persons . . .”).

27. By failing to properly evaluate the agreement under which Mr. Legkodymov offered testimony to the French investigators in exchange for assurance against prosecution, the September 23rd Order violates Mr. Legkodymov’s due process rights under the Fifth Amendment.

SECOND CAUSE OF ACTION: DUE PROCESS VIOLATION

28. Mr. Legkodymov incorporates by reference paragraphs 1–27 here.

29. By failing to apply the correct test for successive prosecutions under international law and extradition treaties as laid out in *Sindona v. Grant*, 619 F.2d 167, 177 (2d Cir. 1980), the September 23rd Order violates Mr. Legkodymov’s due process rights under the Fifth Amendment.

THIRD CAUSE OF ACTION: DUE PROCESS VIOLATION

30. Mr. Legkodymov incorporates by reference paragraphs 1–29 here.

31. By failing to adequately examine and make a probable cause finding that exceeded the meager and “conclusory statements” of French prosecutors and investigators as required under *Petition of France for Extradition of Sauvage*, 819 F. Supp. 896, 900–01 (S.D. Cal. 1993), the September 23rd Order violates Mr. Legkodymov’s due process rights under the Fifth Amendment.

See Fernandez v. Phillips, 268 U.S. 311, 313 (habeas review of an extradition order includes “whether there was any evidence warranting the finding that there was reasonable ground to believe the accused guilty.”).

FOURTH CAUSE OF ACTION: DUE PROCESS VIOLATION

32. Mr. Legkodymov incorporates by reference paragraphs 1–31 here.

33. By failing to clearly limit Mr. Legkodymov’s extradition to only those three charges on which the French sought extradition and by failing to clearly prohibit trial on the remaining French charges without additional extradition proceedings, the September 23rd Order violates Mr. Legkodymov’s due process rights under the Fifth Amendment. *See United States v. Garrido-Santana*, 360 F.3d 565, 577 (6th Cir. 2004) (quoting *Demjanjuk v. Petrovsky*, 776 F.2d 571, 583 (6th Cir. 1985)) (“The rule of specialty prevents the requesting country from prosecuting crimes ‘for which an extradition was not granted.’”).

PRAYER FOR RELIEF

WHEREFORE, Petitioner Anatolii Legkodymov prays this Court grant the following relief:

1. Schedule an evidentiary hearing in this matter;
2. Stay Mr. Legkodymov’s extradition until at least all habeas corpus review and appeal is completed;
3. Declare that Mr. Legkodymov has a valid non-prosecution agreement in substance with the French government, protecting him from prosecution resulting from his February 2024 interviews with the French government;
4. Declare that extradition of Mr. Legkodymov on the charges in the French request would violate the Treaty’s Article 8 and the Fifth Amendment;

5. Declare that the French have not supported their request for extradition by sufficient probable cause;
6. Declare that, even if Mr. Legkodymov is extradited, he cannot be tried for any offenses beyond those three in the French government's request for extradition;
7. Issue a writ of habeas corpus requiring that Mr. Legkodymov be released from federal custody pending extradition;
8. Enjoin the Respondents from taking Mr. Legkodymov into custody for any purpose other than to effectuate his agreed-upon removal to Russia; and
9. Grant any other relief that this Court finds appropriate.

Dated: October 7, 2025

Respectfully submitted,

/s/ Donald J. Malarcik

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Counsel for Anatolii Legkodymov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 7, 2025, I caused a copy of the foregoing to be served on all parties by certified mailing to the Respondents:

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