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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AVEL IVANOVICH REVENKO,
Petitioner,

vs.

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; BRUCE SCOTT,
Warden of Immigration Detention
Facility; and the United States
Immigration and Customs Enforcement,
Respondents.


) No.


) **PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241
AND REQUEST FOR INJUNCTIVE
RELIEF**

RECITATIONS TO SUBSTANTIALLY CONFORM TO AO 242

Personal Information

1. (a) Full name: Avel Ivanovich Revenko
- (b) Other names used: N/A
2. Place of confinement:
 - (a) Northwest Immigration Processing Center (NWIPC)
 - (b) 1623 East J Street, Tacoma, Washington 98241-1615, pursuant to a contractual arrangement with my custodian, the Immigration and Customs Enforcement Field Office Director at Seattle, Washington.

1 (c) Case number or numbers [ICE file number, if known]: My A# is 

2 
3 3. I am currently being held on orders by federal authorities: United States
4 Immigration and Customs Enforcement.

5 4. I am currently being held on an immigration charge.

6 **Decision or Action You Are Challenging**

7 5. What are you challenging in this petition: immigration detention.

8 6. Provide more information about the decision or action you are challenging:

9 (a) Name and location of the agency or court: United States Immigration and
10 Customs Enforcement

11 (b) Docket number, case number, or opinion number: My A# is 071 310 273

12 (c) Decision or action you are challenging: I was taken into ICE custody on
13 April 11, 2023. My administrative order of removal became final on May 16, 2024. I
14 have been detained in ICE custody for two years, six months and eleven days. I have
15 been detained with a final order of removal for one year, five months and six days. As
16 of today's date, ICE has not been able to effectuate my removal.

17 **Your Earlier Challenges of the Decision or Action**

18 7-9. First, second, and third appeals: None

19 10. Motion under 28 U.S.C. § 2255: N/A

20 11. Appeals of immigration proceedings:

21 Does this case concern immigration proceedings? Yes

22 (a) Date you were taken into immigration custody: April 11, 2023

23 (b) Date of the removal or reinstatement order: May 16, 2024

24 (c) Did you file an appeal with the Board of Immigration Appeals? Yes

25 (d) Did you appeal the decision to the United States Court of Appeals? No

26 12. Other appeals:

1 Other than the appeals listed above, have you filed any other petition,
2 application, or motion about the issues raised in this petition? Yes. I filed a 2241
3 Petition for Habeas Corpus on March 27, 2025. On September 08, 2025, the District
4 Court denied my petition because she concluded that my removal would occur in the
5 reasonably foreseeable future. Almost two months later, I am still detained and there
6 has been no progress obtaining a travel document.

7 **Grounds for Your Challenge in This Petition**

8 **I. Introduction**

9 Mr. Revenko is presently detained at the Northwest ICE Processing Center
10 (NWIPC). He has been held in immigration custody for two and a half years. Removal
11 to the former country of residence is not reasonably foreseeable. His continued
12 detention is therefore in violation of *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). He
13 seeks (a) release; (b) an order preventing removal to a third country without notice and
14 meaningful opportunity to respond in compliance with the statute and due process in
15 reopened removal proceedings; and (c) an order barring removal to any third country
16 pursuant to Respondents' punitive removal policy.

17 **II. Jurisdiction and Venue**

18 This case arises under the Constitution of the United States, the Immigration and
19 Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.*, and the Administrative Procedures
20 Act ("APA"), 5 U.S.C. §§ 500–596, 701–706.

21 This Court has subject matter jurisdiction under 28 U.S.C. § 2241, *et seq.*
22 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States
23 as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived
24 sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

25 The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et*
26 *seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act, 28

1 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment; and the Court’s
2 inherent equitable powers.

3 Venue is proper in this district under 28 U.S.C. § 1391(e)(1) because
4 Respondents are agencies or officers of agencies of the United States; Respondents
5 Wamsley and Scott reside in this district; and Petitioner is detained in this district.
6 Venue is further proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the
7 events or omissions giving rise to Petitioner’s claims occurred in this district.

8 Because Petitioner is seeking relief related only to his custody status, which is
9 not inconsistent with an order of deportation, exhaustion of administrative remedies, if
10 any, is not required.

11 **III. Requirements of 28 U.S.C. §§ 2241, 2243**

12 The Court must grant the petition for writ of habeas corpus or issue an order to
13 show cause (OSC) to the Respondents “forthwith,” unless the petitioner is not entitled
14 to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to
15 file a return “within three days unless for good cause additional time, not exceeding
16 twenty days, is allowed.” *Id.*

17 Petitioner is “in custody” for the purpose of § 2241 because he has been detained
18 by Respondent ICE in Tacoma, Washington, since April 11, 2023.

19 **IV. Parties**

20 Mr. Revenko was born in the former USSR, in the area now known as the
21 Republic of Moldova. He was issued a final order of removal to Russia, or Moldova in
22 the alternative, on May 16, 2024. Petitioner is detained in the control and custody of
23 Respondents at NWIPC. As such, Petitioner is a resident of Tacoma, Washington.

24 Respondent Pamela Bondi is the Attorney General of the United States. In this
25 capacity, Respondent Bondi is the legal custodian of Petitioner. Respondent Bondi is
26 sued in her official capacity.

1 Respondent Kristi Noem is the Secretary of the Department of Homeland
2 Security (“DHS”). In this capacity, Respondent Noem is the legal custodian of
3 Petitioner. Respondent Noem is sued in her official capacity.

4 Respondent Cammilla Wamsley is the Field Office Director for ICE
5 Enforcement and Removal Operations (“ERO”) in Seattle, Washington. As the ERO
6 Seattle Field Office Director, she is Petitioner’s immediate custodian, responsible for
7 his detention at NWIPC, and is the person with the authority to authorize detention or
8 release. Respondent Wamsley is sued in her official capacity.

9 Respondent Bruce Scott is the Warden of the NWIPC, oversees the day-to-day
10 functioning of the NWIPC, and has immediate physical custody of Petitioner pursuant
11 to a contract with ICE to detain noncitizens. Mr. Scott is sued in his official capacity as
12 the Warden of a federal detention facility. *See Juarez v. Asher*, No. C20-700, 2021 WL
13 1946222, at *3–5 (W.D. Wash. May 14, 2021).

14 Respondent United States Immigration and Customs Enforcement (hereinafter
15 ICE) is the federal executive agency responsible for the enforcement of immigration
16 laws, including the arrest, detention, and removal of noncitizens. Respondent ICE is a
17 legal custodian of Petitioner.

18 **V. Background**

19 Mr. Revenko entered the United States as a refugee in 1995 and adjusted his
20 status to a lawful permanent resident in April, 1995. He was detained and placed in
21 deportation proceedings on April 11, 2023.

22 The Immigration Judge found that he was not competent and appointed counsel.
23 On November 17, 2023, the judge issued an order of removal to Russia, or Moldova in
24 the alternative. Mr. Revenko appealed this decision. The order of removal became final
25 when the appeal was dismissed on May 16, 2024.

26

1 The Government thereafter had 90 days to effectuate Mr. Revenko's removal.
2 He is still in custody today. Since Mr. Revenko's finalized order of removal, one year
3 and five months, or 17 months have lapsed. On March 27, 2025, Mr. Revenko initiated
4 a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. The petition was
5 dismissed in large part because ICE represented to the Magistrate Judge that Moldova
6 agreed to issue a travel document to Mr. Revenko. In fact, Moldova has not even agreed
7 that Mr. Revenko is a citizen of that country.

8 **VI. Facts Pertaining to Continued Detention**

9 Mr. Revenko cannot presently be returned to Russia or Moldova because neither
10 country has been willing to issue him travel documents. Russia has not been accepting
11 deportations from the U.S., nor is Mr. Revenko a citizen of Russia. In seventeen
12 months, ICE has not obtained a travel document from Moldova, which has not agreed
13 to accept him. Mr. Revenko has cooperated in the process of obtaining documents from
14 both countries listed in the removal order. There is no reason to believe that
15 Mr. Revenko will be deported in the foreseeable future.

16 Mr. Revenko has been diagnosed with psychiatric disorders that NWIPC is
17 unequipped to accommodate. Because of the lack of accommodation, Mr. Revenko has
18 spent most of his time in NWIPC's segregation unit. Social isolation can exacerbate
19 symptoms of psychiatric disorders. While it is recognized that the safety of others is an
20 important factor in determining whether a detainee should reside with the general
21 population, it is unfair for Mr. Revenko to submit to social isolation just because a
22 facility is unable to manage it. He has spent many months in the segregation unit.

23 **VII. The Legal Framework for Third Country Removals**

24 The immigration laws delineate the proper procedures by which a country may
25 be designated for removal. *See* 8 U.S.C. § 1231(b). These procedures move in
26 incremental steps.

1 First, an individual with a removal order may designate the country to which
2 they want to be removed, and the government *shall* remove the individual to that
3 country. 8 U.S.C. b)(2)(A). The government may disregard that designation if (1) the
4 individual fails to designate a country promptly; (2) the government of that country
5 does not inform the U.S. government finally, within 30 days after the date the U.S.
6 government first inquires, whether the government will accept the individual into that
7 country; (3) the government of the country is not willing to accept the individual into
8 the country; or (4) the government decides that removing the individual to that country
9 is prejudicial to the United States. 8 U.S.C. § 1231(b)(2)(C).

10 Second, if the individual is not removed to the country they designated under
11 § 1231(b)(2)(A), the government shall remove the individual to the country of which
12 the individual is a “subject, national, or citizen” unless the government of that country
13 does not inform the U.S. government or the individual within 30 days after first inquiry
14 or within another reasonable period of time whether the government will accept the
15 individual into the country or the country is not willing to accept the individual into the
16 country. 8 U.S.C. § 1231(b)(2)(D).

17 Third, if the individual is not removed to either the country of their designation
18 or the country of which they are a subject, national, or citizen, then the government
19 shall remove them to any of the following options: (1) the country from which the
20 individual was admitted to the United States; (2) the country in which is located the
21 foreign port from which the individual left for the United States or for a foreign
22 territory contiguous to the United States; (3) the country in which the individual resided
23 before the individual entered the United States and from which the individual entered
24 the United States; (4) the country in which the individual was born; or (5) the country in
25 which the individual’s birthplace is located when the individual was ordered removed.
26 8 U.S.C. § 1231(b)(2)(E). *Only* “[i]f impracticable, inadvisable, or impossible” to

1 remove the individual to any of these countries may the government remove the
2 individual to “another country whose government will accept [them] into that country.”

3 8 U.S.C. § 1231(b)(2)(E)(vii).

4 Notwithstanding any of these procedures, the statute prohibits removal to a third
5 country where a person may be persecuted or tortured, a form of protection known as
6 withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A). The government “may not
7 remove [a noncitizen] to a country if the Attorney General decides that the
8 [noncitizen’s] life or freedom would be threatened in that country because of the
9 [noncitizen’s] race, religion, nationality, membership in a particular social group, or
10 political opinion.” *Id.*; *see also* 8 C.F.R. §§ 208.16, 1208.16. Withholding of removal is
11 a mandatory protection.

12 Similarly, Congress codified protections enshrined in the Convention Against
13 Torture (CAT) prohibiting the government from removing a person to a country where
14 they would be tortured. *See* Foreign Affairs Reform and Restructuring Act of 1998
15 (“FARRA”), Public Law 105–277, div. G, sec. 2242, 112 Stat. 2681, 2631–822 (8
16 U.S.C. § 1231 note) (“It shall be the policy of the United States not to expel, extradite,
17 or otherwise effect the involuntary return of any person to a country in which there are
18 substantial grounds for believing the person would be in danger of being subjected to
19 torture, regardless of whether the person is physically present in the United States.”); 28
20 C.F.R. § 200.1; §§ 208.16–208.18, 1208.16–1208.18. CAT protection is also
21 mandatory.

22 To comport with the requirements of due process, the government must provide
23 notice of the third country removal and an opportunity to respond. Due process requires
24 “written notice of the country being designated” and “the statutory basis for the
25 designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v. Nielsen*, 409 F.
26 Supp. 3d 998, 1019 (W.D. Wash. 2019); *see also D.V.D. v. U.S. Dep’t of Homeland*

1 *Sec.*, No. 25-CV-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025) (“All
2 removals to third countries, *i.e.*, removal to a country other than the country or
3 countries designated during immigration proceedings as the country of removal on the
4 non-citizen’s order of removal, must be preceded by written notice to both the non-
5 citizen and the non-citizen’s counsel in a language the non-citizen can understand.”
6 (citation omitted)); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (due process
7 requires notice to the noncitizen of the right to apply for asylum and withholding to the
8 country where they will be removed). The government must be able to show evidence
9 that the third country will accept the individual into that country. *See Himri v. Ashcroft*,
10 378 F.3d 932, 939 (9th Cir. 2004) (“at the time the government proposes a country of
11 removal pursuant to § 1231(b)(2)(E)(vii), the government must be able to show that the
12 proposed country *will* accept the [individual]”).

13 Due process also demands that the government “ask the noncitizen whether he or
14 she fears persecution or harm upon removal to the designated country and memorialize
15 in writing the noncitizen’s response. This requirement ensures DHS will obtain the
16 necessary information from the noncitizen to comply with section 1231(b)(3) and
17 avoids [a dispute about what the officer and noncitizen said].” *Aden*, 409 F. Supp. 3d at
18 1019; *cf. D.V.D.*, 2025 WL 1453640, at *1 (“Following notice, the individual must be
19 given a meaningful opportunity, and a minimum of ten days, to raise a fear-based claim
20 for CAT protection prior to removal.”) (emphasis omitted).

21 If the noncitizen claims fear, measures must be taken to ensure that the
22 noncitizen can seek asylum, withholding, and relief under CAT before an immigration
23 judge in reopened removal proceedings. *Cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring
24 the government to move to reopen the noncitizen’s immigration proceedings if the
25 individual demonstrates “reasonable fear” and to provide “a meaningful opportunity,
26 and a minimum of fifteen days, for the non-citizen to seek reopening of their

1 immigration proceedings” if the noncitizen is found to not have demonstrated
2 “reasonable fear”); *Aden*, 409 F. Supp. 3d at 1019 (requiring notice and time for a
3 respondent to file a motion to reopen and seek relief).

4 Finally, notice of the country to which the noncitizen will be removed must not
5 be “last minute” because that would deprive an individual of a meaningful opportunity
6 to apply for fear-based protection from removal. *Andriasian*, 180 F.3d at 1041. They
7 must have time to prepare and present relevant arguments and evidence and to seek
8 reopening of their removal case.

9 **VIII. Facts Pertaining to Punitive Banishment to Third Countries**

10 Since January 2025, Respondents have developed and implemented a policy and
11 practice of removing individuals to third countries, without first following the
12 procedures in the INA for designation and removal to a third country and without
13 providing fair notice and an opportunity to contest the removal in immigration court.

14 Respondents reportedly have negotiated with at least 58 countries to accept
15 deportees from other nations. On June 25, 2025, the *New York Times* reported that
16 seven countries—Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and
17 Rwanda—had agreed to accept deportees who are not their own citizens.¹ Since then,
18 ICE has carried out highly publicized third country deportations to South Sudan and
19 Eswatini. It also attempted—and completed—an “end-run” around the protections of
20 the Convention Against Torture by deporting a group of migrants to Ghana, which sent
21 them on to their countries of citizenship despite fears of persecution.

22 Punishment and deterrence appear to be the point of the Administration’s third
23 country removal scheme. The Administration has reportedly negotiated with countries
24 to have deportees imprisoned in prisons, camps, or other facilities. The government

25 ¹ Edward Wong, et al., *Inside the Global Deal-Making Behind Trump’s Mass*
26 *Deportations*, N.Y. Times (June 25, 2025), <https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html> [<https://perma.cc/64G9-XYGB>].

1 paid El Salvador about \$5 million to arbitrarily and indefinitely imprison more than 200
2 deported Venezuelans in a maximum-security prison notorious for gross human rights
3 abuses, known as CECOT. In February, Panama and Costa Rica took in hundreds of
4 deportees from countries in Africa and Central Asia and imprisoned them in hotels, a
5 jungle camp, and a detention center. On July 4, 2025, ICE deported eight men,
6 including one pre-1995 Vietnamese refugee, to South Sudan. The men have been
7 detained incommunicado ever since. On July 15, 2025, ICE deported five men to the
8 tiny African nation of Eswatini, including one man from Vietnam, where they are
9 reportedly being held in solitary confinement.

10 The Administration has hand-selected countries known for human rights abuses
11 and instability for these third country deportation agreements to frighten people in the
12 United States into self-deporting or to accept removal to their home countries. Indeed,
13 conditions in South Sudan are so extreme that the U.S. State Department website warns
14 Americans not to travel there, and if they do, to prepare their will, make funeral
15 arrangements, and appoint a hostage-taker negotiator first.

16 On July 9, 2025, ICE issued a new memo to staff instructing that when seeking
17 to remove an individual to a country not designated on that person's removal order, that
18 ICE may deport that person without any procedures for notice or an opportunity to be
19 heard if the State Department confirms that it has received diplomatic assurances that
20 individuals will not be persecuted or tortured. If no diplomatic assurances are received,
21 the ICE memo instructs officers to serve on the individual a Notice of Removal that
22 includes the intended country of removal. It instructs officers not to ask whether the
23 individual is afraid of removal to that country. It states that officers should "generally
24 wait at least 24 hours following service of the Notice of Removal before effectuating
25 removal" but that "[i]n exigent circumstances, [ICE] may execute a removal order six
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1 (6) or more hours after service of the Notice of Removal as long as the [noncitizen] is
2 provided reasonable means and opportunity to speak with an attorney prior to removal.”

3 The memo further instructs that if the noncitizen “does not affirmatively state a
4 fear of persecution or torture if removed to the country of removal listed on the Notice
5 of Removal within 24 hours, [ICE] may proceed with removal to the country identified
6 on the notice.” If the noncitizen “does affirmatively state a fear if removed to the
7 country of removal,” then ICE will refer the case to U.S. Citizenship and Immigration
8 Services (“USCIS”) for a screening for eligibility for withholding of removal and
9 protection under the Convention Against Torture. “USCIS will generally screen within
10 24 hours.” If USCIS determines that the noncitizen does not meet the standard, the
11 individual will be removed. If USCIS determines that the noncitizen has met the
12 standard, then the policy directs ICE to either move to reopen removal proceedings “for
13 the sole purpose of determining eligibility for [withholding of removal protection] and
14 CAT” or designate another country for removal.

15 The eight men who were ultimately deported to South Sudan all claimed fear of
16 removal to South Sudan. None of those men were provided a fear screening by a
17 USCIS officer or otherwise, despite the fact that they were held by ICE for six weeks
18 on a U.S. military base in Djibouti before their final removal to South Sudan.

19 **IX. The Law Governing Punitive Removal Practices**

20 It is bedrock law that the U.S. government may not impose or inflict an infamous
21 punishment for violations of civil immigration law. In 1896, the U.S. Supreme Court
22 ruled that while deportation itself was not a punishment, the government could not
23 attach punitive conditions to deportation—in that case, imprisonment at hard labor—
24 absent a criminal charge, trial in a court of law, and the protections of the Fifth, Sixth,
25 and Eighth Amendments. *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).

1 2024, the removal period has long since expired and detention is no longer required
2 under 8 U.S.C. § 1231.

3 Not only is detention no longer required, it is no longer allowed under the facts
4 of this case. Given the “serious constitutional threat” the *Zadvydas* Court believed to be
5 posed by the indefinite detention of aliens who had been admitted to the country under
6 the Fifth Amendment’s Due Process Clause, 553 U.S. at 699, the Court interpreted 8
7 U.S.C. 1231(a)(6) to permit only detention related to the statute’s “basic purpose [of]
8 effectuating an alien’s removal[.]” *Id.* at 696-699. The Court further held that the
9 presumptive period during which the detention is reasonably necessary to effectuate an
10 alien’s removal is six months; after that, the alien is eligible for conditional release if he
11 can demonstrate that there is “no significant likelihood of removal in the reasonably
12 foreseeable future.” *Id.* at 701. After the “presumptively reasonable” period of six months’
13 detention, when the noncitizen can “provide good reason to believe that there is no
14 significant likelihood of removal in the reasonably foreseeable future,” then “the
15 Government must respond with evidence sufficient to rebut that showing.” *Id.* at 701.
16 “A petitioner’s total length of confinement need not be consecutive to reach the six-
17 month presumptively reasonable limit established in *Zadvydas*.” *Tang v. Bondi*,
18 No. 2:25-CV-01473-RAJ-TLF, 2025 WL 2637750, at *4 (W.D. Wash. Sept. 11, 2025).

19 Here, the government cannot rebut the conclusion that Petitioner’s continued
20 detention in ICE custody violates the Due Process Clause of the Fifth Amendment
21 under *Zadvydas*. See *Nguyen v. Scott*, No. 2:25-CV-01398, 2025 WL 2419288, at *28–
22 29 (W.D. Wash. Aug. 21, 2025) (granting preliminary injunction requiring release
23 under *Zadvydas*); *Tang*, dkt. 26 at 12 (same).

24 **Ground Two: Violation of the Fifth Amendment, 8 U.S.C. § 1231, Convention**
25 **Against Torture, Implementing Regulations, and the Administrative Procedure**
26 **Act**

The allegations in the above paragraphs are realleged and incorporated herein.

1 The Fifth Amendment, the INA, the CAT, and implementing regulations
2 mandate meaningful notice and opportunity to respond to any attempt to remove
3 Petitioner to a third country in reopened removal proceedings. They also require an
4 opportunity for Petitioner to make a fear-based claim against removal to a third country
5 in reopened removal proceedings. Respondents' policy for third country removals
6 violates all of these laws because it directs ICE agents to remove individuals to third
7 countries without any notice or process *at all* where diplomatic assurances are received
8 and, where no diplomatic assurances are received, to provide flagrantly insufficient
9 notice (6–24 hours) and opportunity to respond, in violation of the statute, regulations,
10 and Fifth Amendment.

11 Prior to any third country removal, Petitioner must be provided with
12 constitutionally and statutorily compliant notice and an opportunity to respond and
13 contest that removal if he has a fear of persecution or torture in that country in reopened
14 removal proceedings. *See Nguyen*, 2025 WL 2419288, at *29 (granting preliminary
15 injunction against “removing Petitioner to a country other than [home country] without
16 notice and a meaningful opportunity to be heard in reopened removal proceedings with
17 a hearing before an immigration judge”).

18 **Ground Three: Punitive Third Country Banishment; Violation of Fifth and**
19 **Eighth Amendments**

20 The allegations in the above paragraphs are realleged and incorporated herein.

21 Under the Fifth Amendment to the U.S. Constitution, no person shall “be held to
22 answer for a capital, or otherwise infamous crime, unless on a presentment or
23 indictment of a Grand Jury;” “be subject for the same offence to be twice put in
24 jeopardy of life or limb;” or “be deprived of life, liberty, or property, without due
25 process of law.”
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1 The Eighth Amendment provides that no “cruel and unusual punishments” may
2 be inflicted.

3 The U.S. Supreme Court long ago held that the government may not inflict upon
4 individuals an “infamous punishment” in addition to deportation as a penalty for an
5 immigration violation, absent criminal charges, a judicial trial, and attendant
6 constitutional protections. *Wong Wing*, 163 U.S. at 236–38.

7 Petitioner was convicted and completed any sentences for his criminal
8 convictions years ago. His convictions made him removable from the United States, but
9 the convictions do not authorize the government to inflict, as a matter of executive
10 policy and discretion, additional punishment on him. Respondents’ third country
11 removal program is punitive in nature and execution.

12 The government has arranged for third countries to receive deportees and
13 imprison them on arrival, possibly indefinitely and often in abhorrent conditions. It has
14 selected countries notorious for human rights abuses and instability for third country
15 removal arrangements. It has targeted individuals with criminal convictions for third
16 country removals where they will be imprisoned and harmed and publicly broadcast
17 those removals to demonize and dehumanize the individuals subjected to these practices
18 and strike fear in the immigrant community to send a message of retribution and
19 deterrence.

20 Respondents’ third country removal program is more than a publicity stunt. The
21 hundreds of individuals who have already been subjected to it have been banished in
22 foreign prisons upon arrival without charge and often without communication with the
23 outside world, including their families and lawyers. Respondents may not subject
24 Petitioner to its third country removal program designed to impose a severe punishment
25 on its subjects. *See id.* Such conduct “shocks the conscience” under Fifth Amendment
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1 substantive due process, is cruel and unusual punishment, and may not be imposed
2 without charge and a judicial trial.

3 Respondents may not seek to remove Petitioner to a third country under their
4 punitive banishment policy and practices. *See Nguyen*, 2025 WL 2419288, at *29
5 (granting preliminary injunction against “removing Petitioner to any country where he
6 is likely to face imprisonment upon arrival”).

7 **Prayer for Relief**

8 Petitioner respectfully requests that this Court:

- 9 (a) Assume jurisdiction over this action;
- 10 (b) Issue an Order directing Respondents to show cause why this Petition
11 should not be granted within three days;
- 12 (c) Order Respondents to immediately release Petitioner from custody;
- 13 (d) Order that Respondents may not remove or seek to remove Petitioner to a
14 third country without notice and meaningful opportunity to respond in compliance with
15 the statute and due process in reopened removal proceedings;
- 16 (e) Order that Respondents may not remove Petitioner to any third country
17 because Respondents’ third country removal program seeks to impose unconstitutional
18 punishment on its subjects, including imprisonment and other forms of harm; and
- 19 (f) Order all other relief that the Court deems just and proper.

20 **Verification Pursuant to LCR 100(e)**

21 Counsel verifies that this petition is authorized by Petitioner. It does not
22 personally bear Petitioner’s signature because of the significant difficulty for counsel in
23 meeting with Petitioner in person and because mailing the petition to Petitioner and
24 having it mailed back would cause delay that would only extend the period of his
25 unlawful detention. Counsel knows the facts asserted above or alleges them on
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1 information and belief, based on information obtained from the government and/or
2 Petitioner.

3 DATED this 30th day of October 2025.

4 Respectfully submitted,

5 *s/ Gregory Murphy*
6 Assistant Federal Public Defender
7 Attorney for Avel Revenko

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