

District Judge Richard A. Jones  
Magistrate Judge Brian A. Tsuchida

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UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AVEL IVANOVICH REVENKO,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:25-cv-02149-RAJ-BAT

GOVERNMENT’S RETURN  
MEMORANDUM

Noted for Consideration:  
November 28, 2025

**I. INTRODUCTION**

This Court should dismiss Petitioner Avel Ivanovich Revenko’s Petition for Writ of Habeas Corpus. Dkt. No. 1 (“Pet.”). Revenko challenges his post-order immigration detention at the Northwest ICE Processing Center (“NWIPC”) as unconstitutional and unlawful while he awaits removal from the United States. The Petition should be denied because Revenko, a noncitizen subject to an administratively final order of removal, is lawfully detained pursuant to Section 241 of the Immigration and Nationality Act (“INA”). *See* 8 U.S.C. § 1231. He has not met his burden here by providing a good reason to believe that there is no significant likelihood of his removal in the reasonably foreseeable future. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). In contrast, U.S. Immigration and Customs Enforcement (“ICE”) is actively seeking his removal to Moldova and

1 anticipates that his removal will occur in the reasonably foreseeable future. While the majority of  
2 his Petition discusses removal to a third country, Petitioner presents *no evidence* of any intention  
3 to remove him to a third country. On the contrary, ICE has already completed travel document  
4 requests to Moldova, Moldova conducted an interview of Petitioner in July 2025, and ICE has  
5 received *express assurances* of Petitioner’s travel document for Moldova upon submission of  
6 additional documentation. Upon submission of this documentation, ICE anticipates they will  
7 receive the travel documents shortly, and he will be removed to Moldova in the reasonably  
8 foreseeable future.

9 Accordingly, Federal Respondents (the “Government”) respectfully request that the Court  
10 deny the Petition. This Return is supported by the pleadings and documents on file in this case,  
11 and the Declaration of ICE Deportation Officer Robert Andron, Jr. (“Andron Decl.”). The  
12 Government does not believe that an evidentiary hearing is necessary.

## 13 II. FACTUAL AND PROCEDURAL BACKGROUND

### 14 A. Detention Authorities and Removal Procedures

15 The INA governs the detention and release of noncitizens during and following their  
16 removal proceedings. *See Johnson v. Guzman Chavez*, 141 S. Ct. 2271, 2280 (2021). The general  
17 detention periods are generally referred to as “pre-order” (meaning before the entry of a final order  
18 of removal) and, relevant here, “post-order” (meaning after the entry of a final order of removal).  
19 *Compare* 8 U.S.C. § 1226 (authorizing pre-order detention) *with* § 1231(a) (authorizing post-order  
20 detention).

21 When a final order of removal has been entered, a noncitizen enters a 90-day “removal  
22 period.” 8 U.S.C. § 1231(a)(1). Congress has directed that the Secretary of Homeland Security  
23 “shall remove the [noncitizen] from the United States.” *Id.* To ensure a noncitizen’s presence for  
24 removal and to protect the community from dangerous noncitizens while removal is being affected,

1 Congress mandated detention:

2 During the removal period, the [Secretary of Homeland Security]<sup>1</sup> shall detain the  
3 [noncitizen]. Under no circumstance during the removal period shall the [Secretary]  
4 release [a noncitizen] who has been found inadmissible under section 212(a)(2) or  
212(a)(3)(B) of this title or deportable under section 237(a)(2) or 237(a)(4)(B) of  
this title.

5 8 U.S.C. § 1231(a)(2).

6 Section 1231(a)(6) authorizes DHS to continue detention of noncitizens after the expiration  
7 of the removal period. Unlike Section 1231(a)(2), Section 1231(a)(6) does not mandate detention  
8 and does not place any temporal limit on the length of detention under that provision:

9 [A noncitizen] ordered removed who is inadmissible under section 212, removable  
10 under section 237(a)(1)(C), 237(a)(2), or 237(a)(4) of this title or who has been  
11 determined by the [the Secretary of Homeland Security] to be a risk to the  
community or unlikely to comply with the order of removal, *may* be detained  
*beyond the removal period* and, if released, shall be subject to the terms of  
supervision in paragraph (3).

12 8 U.S.C. § 1231(a)(6) (emphasis added).

13  
14 During the removal period, ICE is charged with attempting to effectuate removal of the  
15 noncitizen from the United States.<sup>2</sup> 8 U.S.C. § 1231(a)(1). Although there is no statutory time limit  
16 on detention pursuant to Section 1231(a)(6), the Supreme Court has held that a noncitizen may be  
17 detained only “for a period reasonably necessary to bring about that [noncitizen’s] removal from  
18 the United States.” *Zadvydas*, 533 U.S. at 689. The Supreme Court has further identified six  
19 months as a presumptively reasonable time necessary to bring about a noncitizen’s removal. *Id.* at  
20 701.

21  
22 <sup>1</sup> Although 8 U.S.C. § 1231(a)(2) refers to the “Attorney General” as having responsibility for detaining noncitizens,  
23 the Homeland Security Act of 2002, Pub. L. No. 107-296 § 441(2), 116 Stat. 2135, 2192 (2002), transferred this  
authority to the Secretary of the Department of Homeland Security (“DHS”). *See also* 6 U.S.C. § 251.

24 <sup>2</sup> Under 8 C.F.R. § 241.2(b), ICE deportation officers are delegated the Secretary of Homeland Security’s authority to  
execute removal orders.

1 **B. Petitioner Avel Ivanovich Revenko**

2 Revenko is a native and citizen of Moldova and entered the United States on or about  
3 April 28, 1995. Andron Decl., ¶ 5. Petitioner was convicted on August 28, 2008, for driving under  
4 the influence. *Id.* ¶ 6. Petitioner was arrested for a second DUI in 2010, which was later dismissed.  
5 *Id.* In 2018, Petitioner was arrested for a third time for a DUI, and was convicted in July 2018. *Id.*  
6 On April 29, 2019, a domestic violence no contact order was placed against Petitioner. *Id.* ¶ 7. In  
7 May 2019, Petitioner was charged with residential burglary (domestic violence) and a violation of  
8 the domestic violence protection order. *Id.* Petitioner pleaded guilty to the violation of the no  
9 contact order and on October 27, 2020, was sentenced to 364 days' imprisonment deferred for  
10 24 months. *Id.* That same day, a jury found Petitioner guilty of the burglary crime and the judge  
11 sentenced him to twelve months in jail for that offense. *Id.* The judge also renewed the no contact  
12 order for the victim until October 27, 2030. *Id.*

13 ICE issued a Notice to Appear, charging Petitioner as removable pursuant to 8 U.S.C.  
14 §§ 1227(a)(2)(A)(iii) (aggravated felony conviction), 1227(a)(2)(A)(ii) (conviction of two crimes  
15 involving moral turpitude), and 1227(a)(2)(E)(ii) (violation of a protection order). Andron Decl.,  
16 ¶ 8. On March 14, 2024, an Immigration Judge ("IJ") ordered Revenko to be removed to Russia,  
17 or Moldova in the alternative. *Id.* ¶¶ 8-10.

18 ICE is actively seeking travel documents for Revenko's removal to Moldova. Andron Decl.  
19 ¶¶ 11-18. The government of Moldova continues to process travel documents for their citizens. *Id.*  
20 ¶ 18. ICE believes that there is a significant likelihood of removal in the reasonably foreseeable  
21 future. *Id.* On June 25, 2024, ERO attempted to contact Petitioner in order to begin working on  
22 getting his travel document packet ready for submission, as well as to determine his custody status  
23 at the facility, but he refused to meet with ERO due to, according to his qualified representative,  
24 his misunderstanding of his detention. *Id.* ¶ 12. On July 11, 2024, ERO met with Petitioner and his

1 qualifying representative to gather information in pursuit of obtaining a travel document as well  
2 as to evaluate his custody status. *Id.* ¶ 13. When asked where he would live if released, Petitioner  
3 indicated that he would live with his ex-wife; however, his ex-wife is the person who has the no  
4 contact order out against him. *Id.* On July 23, 2024, ERO completed Petitioner’s Moldovan travel  
5 document packet and submitted it to the Embassy in Washington, D.C. *Id.* ¶ 14.

6 On September 18, 2024, ERO issued Petitioner its post order custody decision, in which  
7 ERO determined that he should remain in custody due to being a flight risk and danger to the  
8 community. *Id.* ¶ 15. ERO contacted the Moldovan Embassy several times between September  
9 2024 and December 2024. As of December 10, 2024, the Moldovan Embassy indicated that it  
10 cannot issue an “emergency” travel document for Petitioner, so it denied the pending travel  
11 document. *Id.* ¶ 16.

12 On March 5, 2025, ERO spoke with Petitioner’s qualifying representative to determine  
13 what other potential countries the Petitioner could be removed to. The representative suggested  
14 Russia, but at this time, the Russian consulate will not be issuing the Petitioner a travel document.  
15 *Id.* ¶ 17.

16 On March 6, 2025, ERO conducted its 180-day post order custody review and decided to  
17 continue Petitioner’s detention because he remains a threat to public safety and has a final order  
18 of removal. *Id.* ¶ 18. On April 4, 2025, Petitioner was charged with assaulting staff, refusing orders,  
19 and insolence because he yelled at and pushed an officer at the NWIPC. *Id.* ¶ 19.

20 On March 1, 2025, ERO requested assistance in obtaining a new travel document packet  
21 for submission to the Moldovan Consulate for Petitioner. *Id.* ¶ 20. On May 2, 2025, ERO served  
22 Petitioner with a notice to continue his detention because he posed a danger to the public if released  
23 given his history of violence towards others and his general noncompliance in detention. *Id.* ¶ 21.

1 On May 23, 2025, and June 3, 2025, ERO reached out to the Moldovan Consulate for  
2 further information pertaining to the forthcoming travel document packet. *Id.* ¶ 22. On June 6,  
3 2025, ERO arranged a phone call between the Moldovan Consulate and Petitioner in furtherance  
4 of obtaining his travel document. *Id.* ¶ 23. During the call, the Moldovan Consulate requested  
5 additional identification documents for Petitioner from Washington or Oregon. The Moldovan  
6 Consulate also indicated that it would need to schedule an in-person meeting with Petitioner. *Id.*  
7 The Consulate ultimately set up an interview with the Petitioner on July 28, 2025. *Id.*

8 On July 3, 2025, ERO spoke with Petitioner's daughter and asked her to provide ERO with  
9 Petitioner's driver's license or other identity documents. *Id.* ¶ 24. She ultimately obtained those  
10 documents and provided them to ERO. *Id.* Petitioner met with the consulate on July 28, 2025, after  
11 which time the consulate indicated it needed Petitioner's criminal records to be apostilled—a  
12 unique form of notarization that is done by the Department of State—and for another travel  
13 document packet to be filed along with the requisite fee. *Id.* ¶ 25. The travel document packet was  
14 submitted to the Moldovan Consulate later that same day. *Id.*

15 On August 12, 2025, ERO submitted a money order request form to the Supervisory  
16 Detention and Deportation Officer for approval ("SDDO"), which is needed to obtain Petitioner's  
17 criminal records from the FBI. *Id.* ¶ 26. On August 19, 2025, ERO submitted a packet to the FBI  
18 to obtain Petitioner's criminal records. *Id.* ¶ 27.

19 On October 17, 2025, ERO received Petitioner's criminal records from the FBI. On  
20 October 23, 2025, ERO submitted another money order request to the SDDO for approval, this  
21 time for purposes of submitting Petitioner's criminal records to DOS to be apostilled, as requested  
22 by the Moldovan Consulate. Given the recent government shutdown, however, this money order  
23 request cannot yet be approved until the Agency receives funding. *Id.* ¶ 28. Once the money order  
24 request can be approved, ERO will submit Petitioner's criminal records to DOS. *Id.*

1 Despite this complex history with Moldova, the Moldovan Consulate has informed ERO  
2 that they will issue Petitioner a travel document to Moldova once they receive all requested  
3 documentation. *Id.* ¶ 29. Once a travel document is issued, ERO can then facilitate Petitioner’s  
4 removal. *Id.* Given that there has been regular and consistent communication with the Moldovan  
5 government regarding Petitioner’s removal there, DHS believes that there is a significant  
6 likelihood of Petitioner’s removal in the reasonably foreseeable future. *Id.*

7 **III. ARGUMENT AND AUTHORITY**

8 **A. Revenko is not statutorily entitled to release.**

9 Under 8 U.S.C. § 1231(a)(6), Revenko is not statutorily entitled to the relief he seeks from  
10 this Court. Pet., pgs. 13-14. The Supreme Court and the Ninth Circuit have interpreted the text of  
11 8 U.S.C. § 1231(a)(6) and held that a noncitizen detained under this statutory authority has no right  
12 to a bond hearing or release. *See Johnson v. Arteaga-Martinez*, 142 S. Ct. 1827, 1832-34 (2022)  
13 (holding that 8 U.S.C. § 1231(a)(6) does not “address or ‘even hint’” at a requirement that a  
14 noncitizen detained under 8 U.S.C. § 1231(a)(6) be afforded a bond hearing or release from  
15 detention after a certain period of time); *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1198 (9th Cir.  
16 2022) (“[N]either § 1225(b) nor § 1231(a) on their face provides for bond hearings.”).

17 Accordingly, Revenko cannot claim a statutory entitlement to release. Instead, he must  
18 establish that his detention has become indefinite as described by the Supreme Court in *Zadvydas*.

19 **B. Revenko fails to demonstrate that his detention violates the *Zadvydas* standard.**

20 Revenko’s detention has not become “indefinite” or unconstitutional. Pet., pgs. 13-14. In  
21 *Zadvydas*, the Supreme Court found that post-order detention could be potentially indefinite as  
22 authorized under the open-ended terms of Section 1231(a)(6). Finding the possibility of indefinite  
23 detention troublesome, the Supreme Court clarified that there is a point at which Congress’s  
24 interest in detaining a noncitizen to facilitate his removal may eventually give way to the

1 noncitizen’s liberty interest. This shift occurs when detention becomes potentially indefinite.  
2 *Zadvydas*, 533 U.S. at 690 (“A statute permitting indefinite detention of an [noncitizen] would  
3 raise a serious constitutional problem.”).

4 The Supreme Court determined that it is “presumptively reasonable” for DHS to detain a  
5 noncitizen for six months following entry of a final removal order while it worked to remove the  
6 noncitizen from the United States. *Zadvydas*, 533 U.S. at 701. The *Zadvydas* Court recognized that  
7 as the length of detention grows, a sliding scale of burdens is applied to assess the continuing  
8 lawfulness of a noncitizen’s post-order detention. *Id.* (stating that “for detention to remain  
9 reasonable, as the period of postremoval confinement grows, what counts as the ‘reasonably  
10 foreseeable future’ conversely would have to shrink”). Thus, the Supreme Court implicitly  
11 recognized that six months is the *earliest* point at which a noncitizen’s detention could raise  
12 constitutional issues. *Id.*

13 “This 6-month presumption, of course, does not mean that every [noncitizen] not removed  
14 must be released after six months.” *Id.* “After this 6-month period, once the [noncitizen] provides  
15 good reason to believe that there is no significant likelihood of removal in the reasonably  
16 foreseeable future, the Government must respond with evidence sufficient to rebut that showing.”  
17 *Id.*

18 There is no dispute that the “presumptive period” for Revenko’s detention has ended.  
19 Although he is correct that Moldova has not yet issued him a travel document, ICE is actively  
20 working to obtain a travel document to remove him to Moldova. Andron Decl., ¶¶ 22-28. Moldova  
21 has clearly engaged in back-and-forth requests for documents, which demonstrate a good faith  
22 discussion and intention to issue travel documents in this case. *Id.* Further, Moldova gave ICE  
23 express assurances that they will issue this Petitioner’s travel document to Moldova once they  
24 receive the required documentation. *Id.* ¶ 29. ICE has demonstrated active and persistent efforts to

1 obtain the necessary documents Moldova requires to issue this travel document. *Id.* ¶¶ 22-28. And  
2 ICE believes there is a significant likelihood of Revenko’s removal to Moldova in the reasonably  
3 foreseeable future. *Id.* ¶ 29.

4 Further, Section 1231(a)(6) satisfies both the substantive and procedural components of  
5 the Due Process Clause. The Supreme Court has explained that detention is “a constitutionally  
6 valid aspect of the deportation process.” *Demore v. Kim*, 538 U.S. 510, 523 (2003). Post-order  
7 detention helps ensure the removal of noncitizens who have already been “ordered removed” from  
8 the United States. 8 U.S.C. § 1231(a)(6). Section 1231(a)(6), as implemented by the existing  
9 regulations, does not violate the Due Process Clause “[w]hen detention crosses the six-month  
10 threshold.” *Diouf v. Napolitano (“Diouf II”)*, 634 F.3d 1081, 1091 (9th Cir. 2011), *abrogated on*  
11 *other grounds as recognized by Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022).

12 Since Petitioner’s removal order became administratively final, ICE has been actively  
13 working to obtain a valid travel document to effectuate his removal and expects his removal to  
14 Moldova within the reasonably foreseeable future. Andron Decl. ¶ 22-29. His continued detention  
15 furthers Congress’s goal of ensuring his presence for removal and does not violate due process.

16 Petitioner’s argument that he could be removed to a third country is without merit,  
17 speculative, and not ripe for review. There is no case or controversy because there is no concrete  
18 indication that such removal to a third country will occur. The record contains no evidence  
19 supporting this claim. ICE is currently seeking a travel document to Moldova, there is clearly a  
20 substantial back-and-forth discussion with Moldova, Moldova has given ICE express assurances  
21 of issuing travel documents for Petitioner, and there is no ongoing effort to remove Petitioner to  
22 any third country at this time. Accordingly, this claim should be dismissed as premature.

23 Accordingly, Revenko has failed to meet his burden, and the Petition should be denied.

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**IV. CONCLUSION**

For the foregoing reasons, the Government respectfully requests that the Court deny the Petition and dismiss this matter in its entirety.

DATED this 14th day of November, 2025.

Respectfully submitted,

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I certify that this memorandum contains 2,770 words, in compliance with the Local Civil Rules.