

DISTRICT JUDGE RICHARD A. JONES  
MAGISTRATE JUDGE BRIAN A. TSUCHIDA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AVEL REVENKO,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

No. CV25-02149-RAJ-BAT

MR. REVENKO'S REPLY TO  
RESPONDENTS' RESPONSE TO  
MOTION TO COMPEL DISCOVERY

Mr. Revenko respectfully replies to Respondents' response in opposition to his motion to compel discovery.

**I. GOOD CAUSE EXISTS TO COMPEL DISCOVERY BECAUSE RESPONDENTS' DECLARATIONS ARE UNRELIABLE, OFFERED BY OFFICERS WITHOUT PERSONAL KNOWLEDGE, AND BASED ON UNSPECIFIED HEARSAY.**

**A. Respondents' conflicting statements about efforts to obtain a travel document show that the Court should not credit the hearsay on which those statements rely.**

Respondents have provided differing justifications for Mr. Revenko's prolonged detention. In May 2025, Respondents claimed that they were holding Mr. Revenko because an application for a travel document was pending. *See* Dkt. 12-1 (Declaration of Officer Hubbard). Then, in November 2025, they said that the application for a travel document that Officer Hubbard had described as "pending," in fact, had been denied on December 2024, and thus was not pending when Officer Hubbard said it was. *See*

1 Dkt. 12-2 (Declaration of Officer Andron). Now, remarkably, Respondents claim those  
2 two statements are “*identical*” (emphasis in the original).

3 Here are the relevant paragraphs:

4 **Hubbard (05/08/2025):**

5 15. ERO contacted the Moldovan Embassy several times between September 2024 and  
6 December 2024. As of December 10, 2024, the Moldovan Embassy indicated that it cannot issue an  
7 “emergency” TD for Petitioner.

8 17. On March 6, 2025, ERO conducted its 180-day post order custody review and decided to  
9 continue Petitioner’s detention because he remains a threat to public safety, has a final order of  
10 removal, and is pending issuance of a travel document to Moldova.

11 **Andron (11/13/2025):**

12 16. ERO contact the Moldovan Embassy several times between September 2024 and  
13 December 2024. As of December 10, 2024, the Moldovan Embassy indicated that it cannot issue  
14 an “emergency” TD for the Petitioner, so it denied the pending TD.

15 **AUSA Morris (12/05/2025):**

16 18. Third, Revenko’s unfounded claim that the timeline in Officer Andron’s declaration  
17 contradicts that in Officer Hubbard’s must be based on a mistaken reading, because it is simply  
18 not true. In fact, the relevant paragraphs in the two declarations are *identical*. Compare Hubbard  
19 Decl., ¶¶ 12-17 with Andron Decl., ¶¶ 13-18.

20 AUSA Morris is incorrect to characterize these declarations as “*identical*.” Dkt.  
21 17 at 2. Officer Hubbard testifies that the application for an “emergency” TD has been  
22 denied, but the travel document “is pending issuance.” Officer Andron testified that  
23 Moldova denied the travel document in December 2024, meaning it was no longer  
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1 “pending issuance” when Officer Hubbard claimed. If Officer Andron is correct, Judges  
2 Lin and Leupold relied on incorrect—and uncorrected—testimony when they  
3 considered Mr. Revenko’s first petition.

4 Officer Hubbard does not claim any personal knowledge. However, if he knew  
5 that Moldova had denied Mr. Revenko’s request for a travel document six months  
6 earlier, his declaration is arguably perjurious. More likely, however, Officer Hubbard  
7 simply reported incorrect information he received from another source. That means the  
8 Court cannot trust the source of the hearsay on which all Respondents’ declarations  
9 (and Respondents’ counsel’s assertions) rely. Indeed, Respondents acknowledge that  
10 the sworn declarations contain different dates for the same events, *see* Dkt. 17 at 3,  
11 which strongly suggest that the affiants (and by extension the Court) are receiving  
12 unreliable information from the unspecified sources.

13 **i. Respondents’ shifting explanations for Mr. Revenko’s**  
14 **continued detention also justify discovery.**

15 Officer Andron testifies in his declaration that, as of March 5, 2025, there was no  
16 pending application for a travel document because Russia would not take Mr. Revenko  
17 and Moldova had denied the application. Dkt. 11 at ¶¶ 16–17. He explains that  
18 Respondents nonetheless decided to continue to detain Mr. Revenko because, in their  
19 view, “he remains a threat to public safety and has a final order of removal.” *Id.* at ¶ 18.  
20 Officer Andron, unlike Officer Hubbard, does not claim that Mr. Revenko was  
21 “pending issuance of a travel document,” and Respondents do not appear to dispute that  
22 “public safety” and the existence of a removal order are not legally or constitutionally  
23 valid reasons to detain Mr. Revenko in immigration custody. *See* Dkt. 15. But rather  
24 than concede that Mr. Revenko was held on an unlawful basis, Respondents waive off  
25 Mr. Revenko’s unlawful detention as “a red herring.” Dkt. 15 at 2.  
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1 The Court should not be so dismissive. The fact that Respondents held  
2 Mr. Revenko for at last seven months when there was no “significant likelihood of  
3 removal in the reasonably foreseeable future” provides reasons to be skeptical of  
4 Respondents’ insistence on continuing to detain Mr. Revenko now that the reasonably  
5 foreseeable future has shrunk to the present time. The Court should review the original  
6 records to ensure that removal is “imminent,” as Respondents’ pleadings now assert.  
7 Dkt. 15 at 2. If it is merely “foreseeable” eventually, the Court should order  
8 Mr. Revenko’s release.

9 **ii. Respondents’ claims about Mr. Revenko’s citizenship are not**  
10 **credible.**

11 Officer Rodriguez explains in his declaration that travel plans cannot be made  
12 until Moldova recognizes that Mr. Revenko is a citizen of their country. Dkt. 12-2 at  
13 ¶ 6. Since Moldova, which has exclusive right to recognize Moldovan citizenship, has  
14 not yet recognized Mr. Revenko as a citizen of their country, it is unclear on what basis  
15 Respondents insist that Mr. Revenko is a Moldovan citizen. Discovery will help  
16 determine whether Respondents are asserting an opinion, or a fact upon which the  
17 Court can rely. It is also possible that Officer Rodriguez was mistaken.

18 Respondents’ pleadings also state that Moldova, upon receipt of Mr. Revenko’s  
19 notarized criminal history records, has agreed to recognize him as a citizen. But that  
20 assertion, for which Respondents do not provide a source, is implausible because  
21 criminal history is irrelevant to the acquisition of Moldovan citizenship.<sup>1</sup> Whatever  
22 Moldova promised to do, if anything, it is very unlikely that it promised to “recognize”  
23 Mr. Revenko as a citizen of that country after his criminal history records were properly  
24 notarized.

25  
26 <sup>1</sup> See [https://www.ecoi.net/en/file/local/1406847/1226\\_1487936835\\_moldova-citizenship-law-2000-am2003-eng.pdf](https://www.ecoi.net/en/file/local/1406847/1226_1487936835_moldova-citizenship-law-2000-am2003-eng.pdf) [<https://perma.cc/SA3M-LUXN>]

1                   **iii. Respondents misunderstand the record.**

2           Respondents accuse Mr. Revenko of mischaracterizing the record by writing that  
3 Officer Rodriguez’s declaration “clarified that . . . ICE had not even filed an application  
4 for Moldovan citizenship” in May 2025. *See* Dkt. 17 at 2 (quoting Dkt. 12 at 7). Again,  
5 it is Respondents who misunderstand the record.

6           Officer Rodriguez testified that a travel document packet was submitted on July  
7 28, 2025. *See* Dkt. 12-2 at ¶ 6. If it is true, as Officer Andron testified, that the previous  
8 application was denied in December 2024, then counsel’s statement that “ICE had not  
9 filed an application by May 2025” is true, and Respondents’ objection is not well taken.  
10 Dkt. 17 at 2. Of course, if there is another explanation that makes counsel’s assertion  
11 untrue, Respondents should inform the Court so counsel can correct the record.

12           Respondents’ real complaint seems to be that Mr. Revenko stated that ICE had  
13 not applied for travel document by May 2025 (because it had not), without  
14 acknowledging that ICE was “actively working” on a travel document during that  
15 period. *Id.* But whether ICE was “actively working” is unknowable on the hearsay  
16 record presented to the defense and Court. Furthermore, ICE’s activity level also  
17 provides no meaningful information on when or if Mr. Revenko will be returned to  
18 Moldova. Only communications with that country or the testimony of someone with  
19 knowledge can provide that information. Mr. Revenko asks the Court to review that  
20 information.

21                   **iv. Another declaration and single document probably would not  
22 suffice.**

23           Respondents do not wish to provide the full record that would assist the Court in  
24 assessing the accuracy of its declarations to the Court. They offer, instead, to provide a  
25 fourth declaration, attaching a single document “reflecting Moldova’s” agreement to  
26 repatriate petitioner.”

1 Mr. Revenko agrees that Respondents should immediately produce the  
2 agreement, which also should have been provided in response to the first petition. But  
3 that repatriation agreement may not answer whether removal will occur “in the  
4 reasonably foreseeable future,” considering that Mr. Revenko’s years of inhumane  
5 detention mean that removal must truly be “imminent.” If the Court desires to limit  
6 discovery—which it should not for the reasons above—the Court should require  
7 Respondents to substantiate both that Mr. Revenko’s removal is foreseeable and that it  
8 is “imminent” as Respondents’ pleadings claim. The Court also should order such  
9 discovery as is necessary to determine if whether ICE was “actively working” to  
10 remove Mr. Revenko during the seven-month period between December 2024 and July  
11 2025, or if that delay should be held against Respondents.

## 12 **II. CONCLUSION**

13 Under the circumstances of this case, the Court’s obligation to determine  
14 whether and when Mr. Revenko can be removed to Moldova requires consideration of  
15 reliable primary evidence, rather than continued deference to the views of people  
16 without personal knowledge. Failure to seek clarification here would “abdicat[e] legal  
17 responsibility to review the lawfulness of an alien’s continued detention.” *See also*  
18 *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001) (cautioning courts not to “accept the  
19 Government’s view” without “independent review”).

20 If Respondents continue to refuse to produce reliable evidence, the Court should  
21 conclude that they have not met their burden and order Mr. Revenko’s immediate  
22 release on appropriate conditions.

23 DATED this 11th day of December 2025.

24 Respectfully submitted,

25 *s/ Gregory Murphy*  
26 Assistant Federal Public Defender  
Attorney for Avel Revenko

1 I certify that this reply contains 1,336 words in compliance with the Local Civil Rules

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