

Evgenii Ivanov

A 

San Luis Regional Detention Center

P.O Box 7710

San Luis, AZ 85349

Date: 11.1.2025

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CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

Evgenii Ivanov (Petitioner) Pro Se

VS.

David R.Rivas, Warden, I.C.E.,  
Attorney General of the U.S.,  
(respondents)

Petition of Habeas Corpus  
For Release Under U.S.C. § 2241

**CV25-04160-PHX-SHD--ASB**

**Package includes additional supporting documents such as:**

1. Notice to Alien of File Custody Review
2. Lease (proof of adress before detention)
3. Family member character letter for Evgenii Ivanov
4. Old Town community church in support of Evgenii Ivanov

## Background

Petitioner, Mr. Ivanov, is a 48 years old male. He entered the United States on October 7th, 2018. On January 22nd, 2020, he was ordered removed by an Immigration Judge.

He opted to Appeal the decision and on May 21st, 2021, the Removal order was upheld. This concludes that Petitioner indeed does have a Final Order of Removal. Petitioner has no criminal history, and has been law - abiding.

## Grounds for Relief

Mr. Ivanov's continued detention in immigration custody violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution because there is no significant likelihood that he will be removed in reasonable foreseeable future.

Petitioner has been in I.C.E. Custody since January 26th, 2025. Thus totaling over 9 months of detention. Ultimately, this surpassed the six months threshold for detention and Removal period.

In fact, the Supreme Court has initiated § 1231 not to authorize indefinite detention in order to avoid serious constitutional problem. *Zadvydas*, 553 U.S. at 687. The Due Process Clause of the Fifth Amendment limits and alien's "detention to a period reasonably necessary to bring about that alien's removal from the United States" *Id.* Because of this constructional limitation § 1231 "does not permit indefinite detention" *Id.* After six months of detention, there arises a presumption that the alien can "provide good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future", such that "the Government must respond with evidence sufficient to rebut that showing". *Id.* at 701, See also *Wang v. Ashcroft*, 320F. 3d 130, 146 (2d Cir.2003).

There it states "Detention of an alien once Removal is no longer reasonably foreseeable... violates the Due Process Clause. In *Demore v. Kim*, 538 U.S. 510, 523, 123 S. ct 1708, 155 L. Ed 2d 724(2003), there you will see an alien's Constitutional Due Process right are protected. And finally *Hamdi v Rumsfeld*, 542 U.S. 507, 529 (2004) states that "Freedom from imprisonment from government custody, detention, or other forms of physical restrain, lies at the heart of the very liberty that [ the Due Process Clause ] protects. Being that Petitioner has been in detention for over nine months, his detention has deviated from the main purpose of removal. Therefore as his time in detention furthers, it becomes subject of suspension. **Ultimately, Petitioner is being illegally detained.**

### Conclusion

Petitioner asks the cuort to apply the Federal Law in which is factually similar to this case. Therefore Petitioner prayfully requests the cuort to consider granting this motion.

Respectfully submitted, Date 11.1.2025.

Signature

A handwritten signature in black ink, appearing to be 'E.M.A.', written over a horizontal line.

## Proof of Service

I, Petitioner, served original copy to the address below, via U.S. Postal Mail.

Date: 11.1.2025.

Signature



### Petitioner's Adress:

Evgenii Ivanov

A 

San Luis Regional Detention Center

P.O. Box 7710

San Luis, AZ 85349

### Original send to:

Clerk of the Cuort

U.S. Cuorthouse

Suite # 130

401 W. Washington St. SPC-1

Phoenix, AZ 85003-2118



## OLD TOWN COMMUNITY CHURCH

2444 CONGRESS ST  
SAN DIEGO, CALIFORNIA 92110

May 8, 2025

### Letter in Support of Evgenii Ivanov

To: United States Citizenship and Immigration Services

My name is Pastor Alex Achacoso, and I am writing this letter on behalf of **Evgenii Ivanov**.

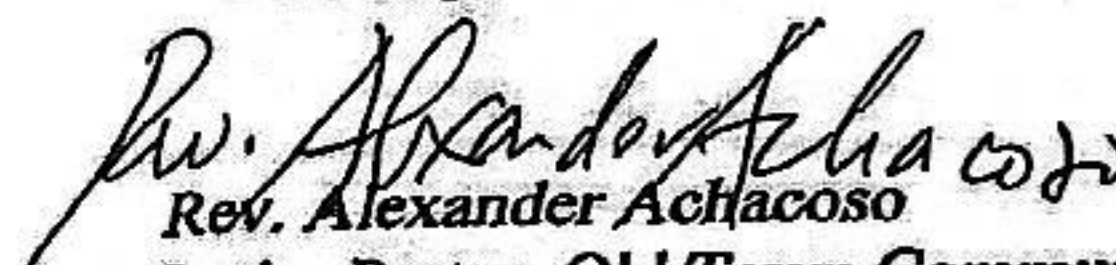
Evgenii Ivanov has been a faithful volunteer at our Food Distribution Ministry at Old Town Community Church. For over three years he has volunteered six hours every Wednesday, from 9am to 3pm. Evgenii helps in the loading and unloading of pallets of various canned and frozen food items. He usually arrives early to set up the tents, tables, chairs and all the necessary supplies needed for the food distribution. His warm personality welcomed all types of people and has made friends to recipients at our Food Bank. All our church staff and volunteers have appreciated all his hard work to help our community.

Our church has rallied to support Evgenii as he sought to make the United States his home. Living in San Diego have been very difficult and challenging to Evgenii and his family. We have assisted them as best as we could – spiritually, financially, materially and emotionally. We are praying that Evgenii will be able to stay in the United States so he and his family can significantly build their lives in this country.

Evgenii has a gentle and helpful spirit. He has made himself available to help whenever there is a need in our church. Our members have fondly embraced him as a part of our family. I believe Evgenii and his family will be positive and productive residents in this land they want to call home.

Kindly extend any consideration in Evgenii's behalf, and feel free to reach me if you have any questions.

Sincerely,

  
Rev. Alexander Achacoso  
Senior Pastor, Old Town Community Church  
Email: [otcc@juno.com](mailto:otcc@juno.com)  
Tel: 619-997-3052

*"A beacon of paradise in the heart of San Diego"*

**Family Member Character Letter for Evgenii Ivanov**

May 9, 2025

To the Honorable Judge,

Dear Judge,

We, the undersigned members of the Ivanov family, respectfully submit this letter to offer our sincere perspective on Evgenii Ivanov—our father, husband, and the head of our family. We place our utmost trust in the fairness and impartiality of the Court and thank you for taking the time to consider our words.

Throughout his life, Evgenii has exemplified the values of honesty, responsibility, and integrity. He has consistently been a source of support—not only for our family but also for those in need in the community. One notable example is his volunteer service at Old Town San Diego Church, where he selflessly dedicated his time to feed those in need and assist the church in any capacity possible.

Evgenii is a man guided by strong moral principles. On behalf of his son [REDACTED] and his daughter [REDACTED], we can attest that he raised us with a deep respect for the law, justice, and accountability. Over the past year and a half, he has also lovingly cared for his newborn granddaughter, who now deeply misses his grandfather's presence and affection.

On behalf of his wife Alevtina Ivanova, I can personally affirm that Evgenii has always been a faithful and devoted husband. As a father, he was consistently patient, attentive, and compassionate. His daily actions taught our family the values of resilience, decency, and a deep appreciation for life.

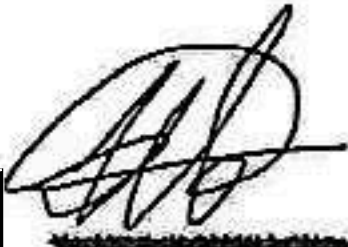
We respectfully urge the Court to take into account Evgenii Ivanov's character, his lifetime of personal and civic contributions, and the values he has instilled in his family. We sincerely hope the Court will show understanding and leniency, within the boundaries of the law.

Thank you for your time and consideration.

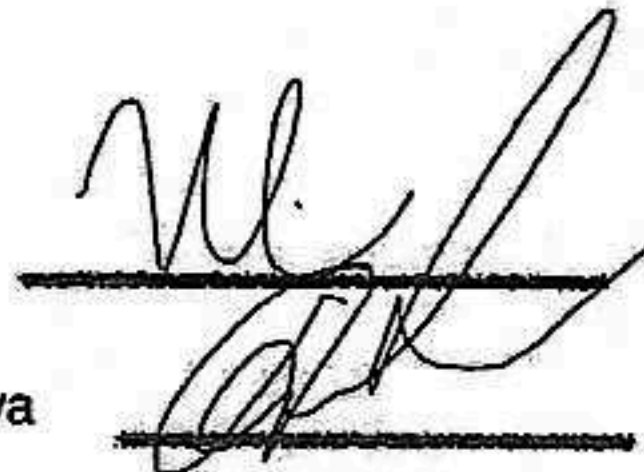
Respectfully,

[REDACTED]

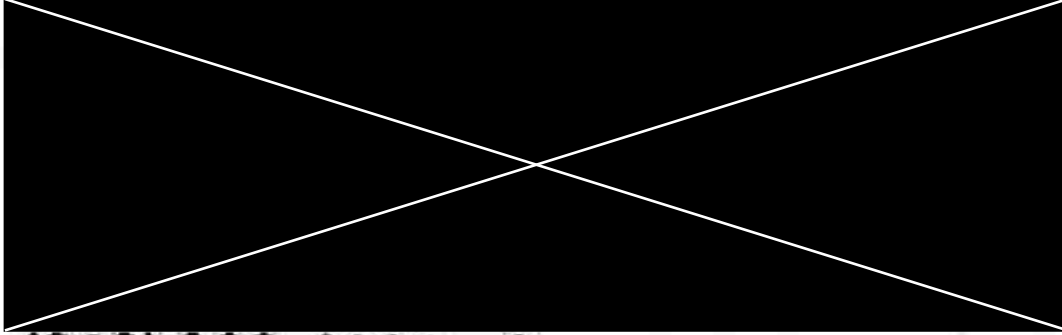
[REDACTED]



Alevtina Ivanova



**Doinitza Cretu**  
**Property Manager**



**(619) 232-4138 x 2**

**May 9, 2025**

**To whom it may concern,**

**I am writing to you in my capacity as the Property Manager at [REDACTED] to express my support for Evgenii Ivanov, who is currently incarcerated at your facility.**

**Evgenii Ivanov has been a tenant at [REDACTED] since November 7, 2023. He was known to be polite and respectful to both neighbors and the property management. He maintained a clean-living space and was prompt with his rent payments. Evgenii often engaged positively with his neighbors and participated in community events.**

**Throughout his tenancy, Evgenii has exhibited no disruptive behavior. He was friendly and willing to lend a helping hand to others when needed. There have been no reports of disturbances or issues regarding his conduct as a tenant.**

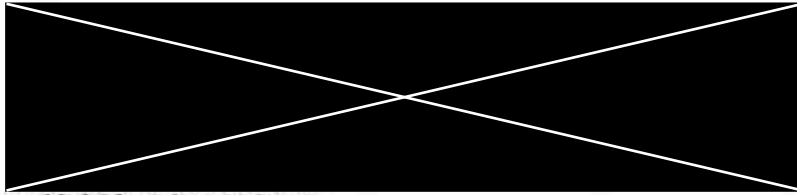
**He was courteous to neighbors and contributed to a positive community atmosphere. He communicated effectively regarding any maintenance issues and treated the property with great care.**

**Furthermore, I am willing to assist in any capacity needed to aid in his successful reintegration, whether that includes providing housing upon release or connecting him with community resources.**

**I kindly urge you to consider this letter as a recommendation to facilitate Evgenii Ivanov's release.**

**Thank you for your attention to this matter, and please feel free to reach out to me if you have any further questions or require additional information.**

**Sincerely,**



(619) 232-4138

# 1. RESIDENTIAL LEASE/RENTAL AGREEMENT - Variable Terms

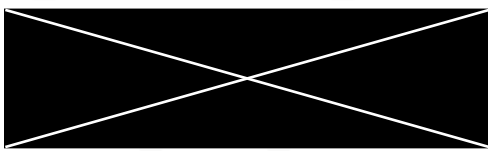
## 1.1 LEASE DATE

Lease Dated: 04/03/2025

## 1.2 RESIDENCE DESCRIPTION

Part of a multi-family residential complex known as the Island Flats .

## 1.3 PROPERTY ADDRESS



## 1.4 UNIT NUMBER



## 1.5 COMMENCEMENT DATE

05/07/2025

## 1.6 TERMINATION DATE

05/06/2026

After the Termination Date, this Agreement will continue on a month-to-month basis until terminated as specified elsewhere in this Agreement and the monthly rent shall be adjusted to 125% of the rent at the expiration of this Lease.

## 1.7 EARLY TERMINATION OPTION

Resident has been granted an EARLY TERMINATION OPTION. To exercise this option, Resident must pay an Early Termination Option Fee of one month of rent plus security deposit and give notice of Resident's election to exercise the option at least 30 days before the Early Termination Date. Landlord may require Resident to sign additional documentation if Resident elects to exercise Resident's early termination option.

## 1.8 RESIDENT(S)

Evgenii Ivanov,

## 1.9 GUARANTOR(S)

## 1.10 OTHER OCCUPANT(S)

## 1.11 LANDLORD NAME




*Enforcement and Removal Operations*

U.S. Department of Homeland Security  
7488 Calzada De La Fuente  
San Diego, CA 92154



**U.S. Immigration  
and Customs  
Enforcement**

Ivanov, Evgenii A.   
C/O CoreCivic  
Otay Mesa Detention Center  
7488 Calzada de la Fuente  
San Diego, CA 92154

### **Notice to Alien of File Custody Review**

You are detained in the custody of U.S. Immigration and Customs Enforcement (ICE) and you are required to cooperate with ICE in effecting your removal from the United States. If ICE has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days of either: 1) your entering ICE custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in ICE custody), then a Deciding Official will review your case for consideration of release on an Order of Supervision. This type of release, however, is dependent on your demonstrating to the satisfaction of the Secretary of Homeland Security that you will not pose a danger to the community and that you will not present a flight risk.

Your custody status will be reviewed on or about **July 16, 2025**. The Deciding Official may consider, but is not limited to considering, the following information:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Your cooperation in obtaining your travel document;
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above. An attorney or any other person may also submit materials on your behalf. Each document submitted must have your A-number on it, must be dated and signed. It is not necessary to have any document notarized. Pursuant to 8 CFR 103.2(b)(3), all submissions must be in English or translated to English. An attorney or other person may submit materials on your behalf. The deciding official will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

Notice to Alien of File Custody Review

Ivanov, Evgenii A 

Page 2

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METHOD OF SERVICE

I certify that this form was provided to the alien by: Hand  Institution Mail

J. Barrios, DO  
Printed Name of Officer

  
Signature of Officer

7/16/25  
Date

- ( ) cc: Attorney of Record or Designated Representative
- ( ) cc: A-File