IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Roman Antatolevich SUROVTSEV, *Petitioner*, v. Kristi NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security; Pamela BONDI, in her official capacity as Attorney General of the United States; Todd LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement; Josh JOHNSON, in his official capacity as ICE Dallas Field Office Acting Director; and WARDEN of Prairieland Detention Center, in his official capacity, *Respondents.*	§	Case No. 3:25-cv-3065

FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE RELIEF

Roman Antatolevich Surovtsev ("Mr. Surovtsev" or "Petitioner"), by and through the undersigned counsel, hereby files this amended petition for a writ of habeas corpus to secure his immediate release from Respondents' custody. Respondents' counsel consented to the filing of this amended petition. Fed. R. Civ. P. 15(a)(2).

INTRODUCTION

1. Mr. Surovtsev has been in Respondents' custody since August 1, 2025. An Immigration Judge ("IJ") reopened his removal proceedings on November 17, 2025, and then dismissed the proceedings on December 8. The IJ's rulings were based on the Superior Court of California's decision vacating the conviction that rendered Mr. Surovtsev removable on substantive constitutional grounds because he did not "knowingly accept the immigration consequences of his pleas . . . resulting in an involuntary plea in violation of the Due Process Clause of the Fifth Amendment of the United States Constitution." Order Vacating Conviction, Exh. C at 1-2. *See* Cal. Pen. Code 1473.7(a)(1); *Padilla v. Kentucky*, 559 U.S. 356 (2010).[1]

2. On December 17, Respondents appealed the IJ's November 17 order to the Board of Immigration Appeals ("BIA"), arguing that Mr. Surovtsev "did not file his Motion [to reopen] within 180 days of the entry of the order of removal, and the IJ should have found his motion untimely," and that Mr. Surovtsev also "failed to demonstrate what exceptional circumstances existed" that might have triggered the IJ's *sua sponte* authority. Exh. F at 4. This is the sole basis for Mr. Surovtsev's ongoing detention.

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[1] Because Mr. Surovtsev's removal proceedings were dismissed in Imperial, California, this Circuit applies the law of the Ninth Circuit. *Jama v. Gonzalez*, 431 F.3d 230, 233 n.3 (5th Cir. 2005) (per curiam); *Wong v. Garland*, No. 22-60642, 24 WL 340825, at *3-4 (5th Cir. 2024); *Gaona-Romero v. Gonzales*, 207 Fed. Appx. 386, 390 (5th Cir. 2006); *See also Matter of Garcia*, 28 I&N Dec. 693 (BIA 2023). The rule applied to removal proceedings in the Ninth Circuit is that convictions vacated on substantive grounds are not "convictions" for immigration purposes. *See Matter of Pickering*, 23 I&N Dec. 621 (BIA 2003); *Nath v. Gonzales*, 467 F.3d 1185, 1189. (9th Cir. 2006).

3. Respondents' appeal to the BIA is a meritless and unreasonable effort to delay Mr. Surovtsev's release and his detention on this basis violates his substantive due process rights.

4. Simply put: Respondents waived the issue that forms the basis of their appeal. They had the opportunity to argue Mr. Surovtsev lacked the exceptional circumstances to merit a *sua sponte* reopening when the motion was pending before the IJ, and declined to do so. Mr. Surovtsev's motion to reopen includes a section entitled "The Vacatur of the Respondent's Conviction is an Extraordinary Circumstance" which lays out in detail why Mr. Surovtsev had shown exceptional circumstances meriting a *sua sponte* reopening. Exh. G at 17-19. The filing includes roughly 65 pages of evidence of exceptional circumstances, including a declaration from Mr. Surovtsev, evidence of his good moral character and 12 declarations in support from his pastor, local community leaders and his family and friends. *Id.* at 64-131.

5. The Department of Homeland Security ("DHS") had multiple opportunities to address this argument and the supportive evidence before the IJ but declined to do so. They filed a response brief on November 4 which made no reference to Mr. Surovtsev's argument regarding the existence of exceptional circumstances justifying a *sua sponte* grant. *See* Exh. H at 2-8.[2] After the motion to reopen was granted but before the motion to dismiss was granted, a DHS trial attorney appeared

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[2] Both DHS's response to the motion to reopen and its notice of appeal were signed by Margaret G. Tafoya, Assistant Chief Counsel for Immigration and Customs Enforcement ("ICE").

before the IJ at a master calendar hearing on November 26 and declined to raise any issue with the IJ's decision granting the motion to reopen or her finding that Mr. Surovtsev had shown exceptional circumstances justifying the *sua sponte* reopening. Respondents *clearly* waived the argument.

6. Mr. Surovtsev's ongoing detention based on this meritless appeal violates his substantive Due Process rights. Detention that does not "bear a reasonable relation to the purpose for which the individual was committed" violates the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 691 (2001) (quotations omitted).

7. Unreasonable efforts to delay a detained non-citizen's release violate the constitution. In his concurrence in *Demore v. Kim*, Justice Kennedy (who cast the decisive fifth vote with the majority in that case) explained that even where the Immigration and Nationality Act ("INA") authorizes a non-citizen's detention, due process is implicated if "continued detention bec[omes] unreasonable or unjustified" and that "[w]ere there to be an unreasonable delay by the INS in pursuing and completing deportation proceedings, it could become necessary then to inquire whether the detention is not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons." 538 U.S. 510, 532-33 (2003) (Kennedy, J. concurring). District courts across the country, including in this Circuit, have acknowledged that "evidence of government wrongdoing in connection with the removal proceedings, such as actions that unreasonably prolong the removal proceeding or actions taken in bad faith" can establish a due process violation.

Misquitta v. Warden Pine Prairie ICE Processing Center, 353 F. Supp. 3d 518, 526 (W. D. La. 2018). That is the case here.

8. Unless this petition is granted, Mr. Surovtsev faces potentially years of detention. "[T]he average processing time for a[n] appeal to the BIA during the period from January 1, 2024, to May 31, 2025, was 190 days." *Belqasim v. Bostock*, No. 25-cv-1282, 2025 WL 3466971, at *7 (W.D. Wash. Oct. 28, 2025) (involving a detained non-citizen). If Respondents decide to file a Petition for Review with the Ninth Circuit of the Board's decision denying their appeal, Mr. Surovtsev faces years in detention. *Id.* ("[A]ccording to the Ninth Circuit's public website, it takes approximately 6 to 12 months from the date of the notice of appeal to oral argument and, following argument, most cases take three months to a year for the Court of Appeals to decide the case.")

9. There is no lawful reason to detain Mr. Surovtsev pending the adjudication of Respondents' meritless and frivolous appeal based on an argument they waived. This Court should therefore order Respondents to release Mr. Surovtsev immediately.

FACTUAL BACKGROUND

10. Mr. Surovtsev is a 41-year-old husband to a U.S. citizen wife and father to two young U.S. citizen daughters. He has lived in the United States since 1988, when he fled the Soviet Union with his mother as a four-year-old child. Over 20 years ago, at 19 years old, Mr. Surovtsev pleaded guilty to carjacking in California, which rendered him removable. After completing his sentence in 2014 and ordered removed

from the United States pursuant to 8 U.S.C. §§ 1227(a)(2)(A)(i)-(ii), (C). *See* Exh. A at 3.

11. He was detained by ICE for six months and released on an Order of Supervision ("OSUP") in 2015 after ICE failed to remove him to any country. On August 1, 2025, he was re-detained and is presently detained by ICE at the Prairieland Detention Center in Alvarado, Texas.

12. Based on his post-conviction relief, on November 3, 2025, Mr. Surovtsev's immigration counsel filed a motion to reopen pursuant to 8 U.S.C. § 1229a(c)(7) before an IJ in Imperial, California.

13. On November 17, 2025, the Immigration Court in Imperial, California, granted Mr. Surovtsev's motion for a stay of removal as well as his motion to reopen immigration proceedings based on his post-conviction relief, which rendered him no longer removable. Exh. D. The IJ's order reads: "Good cause has been established for the motion to reopen" because Mr. Surovtsev's "convictions were vacated . . . due to constitutional defects in the underlying criminal proceedings." *Id.* The IJ ruled that Mr. Surovtsev had "met his 'heavy burden' to show that this evidence 'would likely change the result in his case, per *Matter of Coelho*, 20 I&N Dec. 464, 472-73 (BIA 1992)." *Id.* at 2. The IJ stated that the immigration court would "address [Mr. Surovtsev's] motion to dismiss in reopened proceedings." *Id.* Because of this, Mr. Surovtsev was not removed from the United States to Ukraine on November 17.

14. When the motion to reopen was pending, Respondents took aim at Mr. Surovtsev on their official agency social media accounts and on the accounts of its

leading spokesperson. On November 17, 2025, DHS tweeted: "It's alarming that @CNN can ALWAYS be counted on to run cover for VIOLENT FELONS. Imagine if they showed the same care for American citizens."[3] The post then listed Mr. Surovtsev's criminal history without noting the September 3, 2025 vacatur, and also included crimes Mr. Surovtsev had committed as a juvenile, apparently in violation of the Federal Juvenile Delinquency Act, which prohibits the government from releasing information about juvenile proceedings. *See* 18 U.S.C. § 5038(a).

15. Also on November 17, DHS spokesperson Tricia McLaughlin posted about Mr. Surovtsev and again listed crimes including those that had been vacated and those that he committed as a juvenile.[4]

16. Respondents' inflammatory and false condemnations of Mr. Surovtsev continued after the motion to reopen and stay of removal were granted by the IJ. On November 23, DHS tweeted a video featuring Lauren Bis, DHS Deputy Assistant Secretary that begins by denouncing CNN for publishing an article about Mr. Surovtsev that Bis calls "truly outrageous."[5] Bis called Mr. Surovtsev a "quote-unquote 'father'" and erroneously called him an "illegal alien from Russia." Bis falsely states that Mr. Surovtsev "has a final order of removal," even though the order had been reopened six days before the video was published. Bis states, "CNN should stop

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[3] U.S. Dep't of Homeland Sec. [@DHSgov] X (Nov. 17, 2025, 8:41 A.M. ET), https://x.com/DHSgov/status/1990414982060581351.
[4] U.S. Dep't of Homeland Sec. [@DHSgov] X (Nov. 17, 2025, 8:52 A.M. ET), https://x.com/TriciaOhio/status/1990417878537912740
[5] U.S. Dep't of Homeland Sec. [@DHSgov] X (Nov. 23, 2025, 1:45 P.M. ET), https://x.com/DHSgov/status/1992665953751245148.

running cover for violent felons and start focusing on American victims of illegal alien crime." These social media posts triggered an avalanche of hateful comments directed against Mr. Surovtsev and his family.

17. On December 8, 2025, the IJ granted "without prejudice" Mr. Surovtsev's motion to dismiss, explaining:

> The felony convictions that formed the basis for the Respondent's removal order have been vacated under Cal. Penal Code Sec. 1473.7(a)(1) due to error damaging the Respondent's ability to meaningfully understand, defend

> against, and knowingly accept the immigration consequences of his guilty pleas to those charges.

Exh. E. at 2.

18. On December 9, Mr. Surovtsev and his attorneys received notice of the December 8 dismissal. Counsel for Mr. Surovtsev then notified the U.S. Attorney's Office about the dismissal and inquired as to when ICE would release him. Counsel for Respondents replied on December 10: "I reached out to my client and was told this morning that Prairieland has been contacted and instructed to release your client. I don't know how long this will take, I asked but haven't been told yet. If I hear more, I will let you know. I do know Prairieland was contacted early this morning." Exh. I at 2. Later the same day counsel for Respondents added: "I was told they are hopeful it will happen today. I have requested email confirmation once he is released." *Id.* at 5.

19. Mr. Surovtsev's release never took place. On December 17, 2025, Respondents provided Mr. Surovtsev with a written copy of Form EOIR-26, Notice of Appeal from a Decision of an Immigration Judge. Though Respondents had not filed the appeal on EOIR's e-file system at the time of this filing, the appeal notice reads in pertinent part:

> Pursuant to Cal. Penal Code Sec. 1473.7(a)(1), Respondent filed a motion to vacate his conviction in Placer County for carjacking which was granted on September 3, 2025. Respondents have given no reason or exceptional compelling circumstances as to why he waited until 2025 to file such a motion when the law regarding vacating these convictions went into effect in 2017, a mere 3 years after his final order of removal.

> Respondent did not file his motion within 180 days of the entry of the order of removal and the IJ should have found this motion untimely. 8 C.F.R. 1003.23(b)(4)(ii). The respondent failed to demonstrate what exceptional circumstances existed that prevented him from filing within 180-day requirement which even if existed should also be deemed untimely.

Exh. F.

JURISDICTION & VENUE

20. This action arises under the Suspension Clause, U.S. Const., Art. I, § 9, Cl. 2 and the Fifth Amendment to the United States Constitution.

21. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Art. I, § 9, Cl. 2 of the United States Constitution (the Suspension Clause).

22. This Court has additional remedial authority under the All Writs Act, 28 U.S.C. § 1651.

23. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 2241 because Petitioner is detained at Prairieland Detention Center in Johnson County, Texas, within the Northern District of Texas, Dallas Division.

PARTIES

24. **Petitioner Roman Surovtsev** is a longtime U.S. resident who has lived in this country since age 4, when he fled the USSR. He is currently detained at Prairieland Detention Center and is scheduled for removal on November 13, 2025. A devout Baptist and active church member, Mr. Surovtsev runs a successful painting

business in the Dallas Metroplex with his U.S. citizen wife and two U.S. citizen children, aged 5 and 3.

25. **Respondent Kristi Noem** is named in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(a); is legally responsible for pursuing any effort to confine and remove Petitioner; and as such is a custodian of Mr. Surovtsev.

26. **Respondent Pamela Bondi** is named in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws pursuant to 8 U.S.C. § 1103(g), and as such is a custodian of Mr. Surovtsev.

27. **Respondent Todd Lyons** is named in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement. As the senior official performing the duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws and is legally responsible for pursuing any effort to remove Mr. Surovtsev and to confine him pending removal. As such, he is a custodian of Mr. Surovtsev.

28. **Respondent John Johnson** is named in his official capacity as Acting Director of the ICE Dallas Field Office in Dallas, Texas. In this capacity, he is responsible for the execution of immigration confinement and the institution of removal proceedings within North Texas, in which Mr. Surovtsev is confined. As such, he is a custodian of Mr. Surovtsev.

29. **Respondent Warden** is named in their official capacity as the Warden of Prairieland Detention Center. In this capacity, they oversee the daily operations of the detention center where Mr. Surovtsev is in custody. As such, they are the immediate custodian of Mr. Surovtsev.

LEGAL BACKGROUND

BIA precedent regarding waiver of arguments not raised below

30. The BIA has held that matters not raised before an IJ are not preserved on appeal. *See In re RSH-*, 23 I. & N. Dec. 629, 638 (B.I.A. 2003) ("The record does not reflect that the respondent raised any objections to the attorneys' presence at the hearing. Therefore, the respondent waived his opportunity to pursue this issue on appeal."); *In re Fidel Jimenez–Santillano,* 21 I. & N. Dec. 567, 570 n.2 (B.I.A. 1996) ("The record reflects, however, that this issue was [not] raised before . . . [t]herefore, we will not decide the issue, for it is not properly before us."); *Matter of Edwards,* 20 I. & N. Dec. 191, 196 n.4 (B.I.A. 1990) ("[B]ecause the respondent did not object to the entry of this document into evidence at the hearing below, it is not appropriate for him to object on appeal."); *Matter of Garcia–Reyes,* 19 I. & N. Dec. 830, 832 (B.I.A. 1988) ("It is clear that objections themselves should be made on the record, or such objections will not be preserved for appeal.").

Constitutionality of detention pending meritless appeals

31. Even where the INA authorizes a non-citizen's detention, due process is implicated if "continued detention bec[omes] unreasonable or unjustified" and that "[w]ere there to be an unreasonable delay by the INS in pursuing and completing

deportation proceedings, it could become necessary then to inquire whether the detention is not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons." *Demore*, 538 U.S. at 532-33 (Kennedy, J. concurring).

32. Courts across the country, including in this Circuit, have accepted Justice Kennedy's assertion. A court in this circuit has acknowledged that "evidence of government wrongdoing in connection with the removal proceedings, such as actions that unreasonably prolong the removal proceeding or actions taken in bad faith" can establish a due process violation. *Misquitta*, 353 F. Supp. 3d at 526. There, the district court called Justice Kennedy's *Demore* concurrence "the touchstone" for the analysis of cases such as this one. *Id.* In answering the question as to what constitutes an "unreasonable" detention, the district court cited several factors, including "the length of time" of detention, "the reason for the prolonged detention," "whether any impediments exist to final removal if ordered," and "the conduct of the petitioner and the government during removal proceedings." *Id.* *See also Dryden v. Green*, 321 F. Supp. 3d 496, 502 (D.N.J. 2018).

33. Other courts have acknowledged that where a "lengthy delay is in large part attributable to the government," a due process violation has occurred. *Clerveaux v. Searls*, 397 F. Supp. 3d 299, 309 (W.D.N.Y. 2019); *see also Reid v. Donelan*, 390 F. Supp. 3d 210, 220 (D. Mass. 2019) ("a[non-citizen's] individual circumstances would render mandatory detention of less than one year unreasonable if the Government unreasonably delays or the case languishes on a docket."); *Altagracia Almonte-Vargas*

v. Elwood, No. 02-cv-2666, 2002 WL 1471555, at *4 (E.D. Pa. 2002) ("we view the Government's argument as a flawed and transparent attempt to eviscerate the due process"); *German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 211 (3d Cir. 2020) (where "there is evidence of carelessness or bad faith," government appeals can be a valid basis for release.); *Soriano v. Sabol*, 183 F. Supp. 3d. 648, 652 (M.D. Pa. 2016) ("Bad faith exists when a petitioner challenges aspects of the government's case that do not present bona fide or real issues, or are simply frivolous or meritless arguments.").

34. Civil detention for punitive reasons is also unlawful. *United States v. Salerno*, 481 U.S. 739, 746 (1987). A restriction on liberty is punitive rather than regulatory if (a) the government intends to impose punishment, or (b) the restriction is not rationally related to a legitimate nonpunitive governmental purpose or is excessive in relation to that purpose. *Id.* at 747.

CLAIM FOR RELIEF

Count I: Fifth Amendment Substantive Due Process
28 U.S.C. § 2241; 8 U.S.C. § 1231(b)(3)(A); U.S. Const. amend. V

35. Petitioner realleges and incorporates by reference each and every allegation contained above.

36. "[T]he Due Process Clause applies to all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693. "[D]ue process is flexible and calls for such procedural protections as the particular situation demands." *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972).

37. Detention that does not "bear a reasonable relation to the purpose for which the individual was committed" violates the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. at 691 (quotations omitted).

38. Applying the *Misquitta* factors implementing Justice Kennedy's *Demore* concurrence, there is no lawful basis for Mr. Surovtsev's continued detention.

39. The first factor asks "the length of time" of the detention. *Misquitta*, 353 F. Supp. 3d at 526. Here, Mr. Surovtsev has been detained for four-and-a-half months consecutively. In 2014-15, he was detained for 6 months, based on the conviction that has been vacated and is *void ab initio* for immigration purposes.[6] The most recent data shows the average processing time for a BIA decision is 190 days. *Belqasim*, 2025 WL 3466971 at *7. By the time the parties complete the briefing schedule and the Board issues a decision, Mr. Surovtsev will have been detained for 10 consecutive months. If Respondents decide to file a Petition for Review with the Ninth Circuit of the Board's decision denying their appeal, Mr. Surovtsev will face detention for several years. *Id.* ("[A]ccording to the Ninth Circuit's public website, it takes approximately 6 to 12 months from the date of the notice of appeal to oral argument and, following argument, most cases take three months to a year for the Court of Appeals to decide the case. *See* U.S. Court of Appeals for the Ninth Circuit.")

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[6] As a *void ab initio* vacatur, Mr. Surovtsev's conviction did not constitute a "conviction" that would him removable or detainable at that time, and his detention at that time therefore was therefore unlawful.

40. The remaining three factors are interrelated here and all point in favor of Mr. Surovtsev. These factors inquire as to "the reason for the prolonged detention," "whether any impediments exist to final removal if ordered," and "the conduct of the petitioner and the government during removal proceedings." *Id.*

41. Here, Mr. Surovtsev is presently detained solely because of Respondents' meritless appeal to the BIA. The frivolous character of the argument, which Respondents failed to make before the IJ, means it is certain the Board will apply binding precedent and reject it. Respondents were aware of Mr. Surovtsev's argument that the exceptional circumstances in his case merited a *sua sponte* reopening, they filed a brief in opposition to the motion to reopen which failed to address the "exceptional circumstances" argument, and they further failed to address the argument at a master hearing held before the motion to dismiss was granted.

42. This means the government has zero chance of executing a final removal order against Mr. Surovtsev. It is not a question of *if* he is released, but *when*. It also means Respondents' appeal to the BIA is plainly unreasonable. It does not present a "bona fide issue," it only presents issues that DHS waived by failing to raise when they had the opportunity before the IJ. *Sabol*, 183 F. Supp. 3d. at 652. This constitutes evidence that the appeal is, if not "bad faith," then at the very least "careless," *German Santos*, 965 F.3d at 211, or "unreasonable." *Reid*, 390 F. Supp. 3d at 220. If Respondents believed their arguments had merit, they would have raised them at the appropriate time: before the fact-finder. Respondents are well aware that this *ex post facto* attempt to raise the issue they failed to raise earlier will do nothing

other than guarantee his prolonged detention. Meanwhile the Board will set a briefing schedule and adjudicate its other, previously filed cases while Mr. Surovtsev sits in detention, separated from his wife and young daughters.

43. Though more is not required, here there is also additional proof of Respondents' bad faith and unreasonable motive. Respondent DHS and its leading spokespersons have publicly denounced Mr. Surovtsev and violated his statutory right to confidentiality vis-à-vis his juvenile criminal record. They have effectively called him a liar by labeling as "false" a news report that pointed to the vacatur of the crime that led to his detention years ago. When Mr. Surovtsev, through counsel, informed Respondents' counsel of the December 8, 2025 dismissal order, counsel replied that ICE had been "instructed" to release him and that the facility where Mr. Surovtsev is detained was expected to release him imminently. Exh. I at 2. That release never took place, raising the inference that an order was given by some Respondent to appeal solely to prolong his detention. Respondents' own statements and actions make clear the government is detaining Mr. Surovtsev for punitive reasons, rendering his ongoing civil detention unconstitutional. *Salerno*, 481 U.S. at 746-47.

44. Because Mr. Surovtsev's ongoing detention violates his right to substantive due process, he should be released forthwith.

PRAYER FOR RELIEF

WHEREFORE, Mr. Surovtsev respectfully requests the following relief:

i. Assume jurisdiction over this matter;

ii. Issue a temporary restraining order and/or preliminary injunction releasing Mr. Surovtsev from Respondents' custody;

iii. Order Respondents to show cause why a writ of habeas corpus should be granted;

iv. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under chapter 153 (habeas corpus) of Title 28;

v. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

vi. Grant such further relief as this Court deems just and proper.

Dated: December 18, 2025

Respectfully Submitted,

/s/ Felix Galvez
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the factual statements in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 18th day of December 2025.

/s/ Eric Lee
Eric Lee
Attorney for Petitioner Roman Antatolevich Surovtsev