


UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA

ANZOR MATSEV, A# 

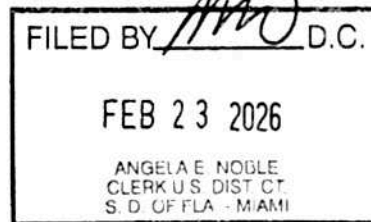
Case No.: 1:25-cv-25814-GAYLES

Petitioner,

V.

KROME SPC Warden; Pamela Bondi; Kristi Noem; F.O.D. Garrett Ripa I.C.E. et al.,

Respondents.



**AMENDED MEMORANDUM OF LAW IN SUPPORT OF PETITION
FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

I. INTRODUCTION

1. I (Petitioner), ANZOR MATSEV, appearing *Pro Se*, petitions this Court for a writ of habeas corpus to remedy his indefinite and unconstitutional detention by Respondents. Petitioner submits this Amended Memorandum of Law to incorporate new, binding, and highly persuasive authorities, and to clarify the historical record regarding the futility of his removal.
2. As the Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), noncitizens cannot be detained indefinitely if the government is unable to carry out their removal. Instead, detention after a final order of removal is authorized only when removal is reasonably foreseeable. As a guide to courts, the Court in *Zadvydas* established a presumption that detention after a final order of removal was permissible for six months. Detention after a final order may be unlawful even when six months have not passed, particularly if it is clear that the United States will not be able to effect a noncitizen's removal. But after that six-month period, once a noncitizen provides "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." And the longer a noncitizen has been detained, the stronger the government's showing must be.
3. Petitioner is entitled to immediate release under the framework of *Zadvydas* because his removal to the Russian Federation is factually, geopolitically, and historically impossible.
4. In order to permit full judicial review of the claims herein and requested relief, Petitioner respectfully requests that the Court order Respondents not to transfer Petitioner outside the jurisdiction of this Court pending consideration of this Petition.

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II. STATEMENT OF FACTS

1. **Biographical Information:** Petitioner, ANZOR MATSEV, was born in the former USSR / Russia. Entered the United States in New York on or about **May 31 2007 legally with a Visa** .
2. **Removal Order:** An Immigration Judge ordered Petitioner removed from the United States on or about **December 21, 2017**. Petitioner has been under a final order of removal for over eight 8 years. The 90-day statutory removal period under 8 U.S.C. § 1231(a)(1) expired in early 2018. Since that time, any detention of the Petitioner is governed by the post-removal-period statute, 8 U.S.C. § 1231(a)(6).
3. **The 2012 Failed Removal Attempt:** In 2012, Respondents detained Petitioner for the purpose of removal to the Russian Federation. Petitioner remained in custody while Respondents attempted to secure travel documents. Respondents were ultimately forced to release Petitioner because the Russian Federation refused to issue the necessary travel documents (*laissez-passer*). This historical record serves as a conclusive baseline that removal is not significantly likely.
4. **Current Detention:** Respondents re-detained Petitioner on **October 10, 2025** when he attended an interview scheduled by USCIS. As of the date of this filing, Petitioner has been in continuous physical custody first in Southern Detention Facility aka "Alligator Alcatraz" after in Krome SPC for over four 4 months. When added to the prior periods of detention and the eight-year history of this case, the total duration is patently unreasonable.
5. **Full Cooperation:** Like the Petitioner in *Popov v. Hardin*, Petitioner Matsev has cooperated fully with all of ICE's efforts to effectuate his removal. Specifically:
 - Petitioner has provided all requested biographical information.
 - Petitioner has attended all required check-ins (ISAP) prior to his re-detention.
 - Petitioner has provided fingerprints and identification data.
 - Petitioner has never obstructed any attempts by the Consulate to verify his identity.
6. **Failure to Obtain Travel Documents:** Despite Petitioner's cooperation, Respondents have failed to produce a valid travel document. On or about **December 12 2025**, Deportation Officers **Joseph Delgado, Jason Clark** informed Petitioner that they were merely "waiting on HQ" and had no confirmed date for removal (See *Exhibit I* to Original Petition).
7. **Geopolitical Impossibility:** Since 2022, direct commercial and charter flights between the United States and the Russian Federation have been suspended due to international sanctions. Currently, there are no direct flights to Russia due to ongoing military actions and severed diplomatic ties. ICE officers have admitted via email (See *Exhibit I* of Original Petition) that they have no direct

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contact with the Russian Consulate and are merely "waiting on HQ," proving no active removal process exists. There is no logistical mechanism to transport Petitioner directly to Russia, as recognized by this Court's colleagues in the Middle District of Florida.

8. **The Popov Precedent Almost Identical Case:** On February 6, 2026, in *Popov v. Hardin*, Case No. 2:26-cv-00028 (M.D. Fla.), the Court found that a Russian national's detention was unconstitutional because removal was a "geopolitical impossibility." That Petitioner was released within 24 hours of the Court's order.
9. **Support System:** If released, Petitioner will be supported by his family and community in Aventura FL. He has a stable residence and is not a flight risk, as evidenced by his years of compliance while under an Order of Supervision prior to his 2025 re-detention.

III. GROUNDS FOR RELIEF

GROUND ONE: VIOLATION OF SUBSTANTIVE DUE PROCESS

The Fifth Amendment's Due Process Clause forbids the government from depriving any person of liberty without due process of law. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), detention is only authorized as long as it is reasonably necessary to effectuate removal.

- **Commentary:** Like in the *Popov's* case, Petitioner's detention has lost its tether to its only legal purpose. Because the Russian Federation is not currently accepting deportees via direct or reliable means, and specifically failed to do so for Petitioner in 2012, continued detention is purely punitive (punishment without trial). Punitive detention of a civil detainee is a per se violation of Substantive Due Process.

GROUND TWO: VIOLATION OF ADMINISTRATIVE PROCEDURE ACT (APA)

Under 5 U.S.C. § 706, a court must set aside agency actions that are "arbitrary, capricious, or an abuse of discretion."

- **Commentary:** Respondents continue to certify that removal is "likely" despite a decade-long track record of failure in this specific case and a total collapse of diplomatic logistics with Russia. Maintaining Petitioner in physical custody under these circumstances is an arbitrary exercise of power that ignores the factual reality of the 2012 failed removal attempt.

GROUND THREE: Continuous Detention causes erroneous deprivation of liberty and private interests. Also causes irreparable harm to Mental Health and Health in General. Conditions at Detentions: **Petitioner's confinement and experiences at facility operated by a private, for-profit prison contractor, demonstrate**

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that their conditions of confinement are not meaningfully different from those of criminal punishment. Moreover, the Supreme Court in *Jennings* hinted that if conditions look like "punishment," the detention is unconstitutional.

IV. ARGUMENT: IMMEDIATE RELEASE IS THE ONLY CONSTITUTIONAL REMEDY

A. JURISDICTION AND CONSTITUTIONAL FRAMEWORK

10. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA") §§ 101-507, 8 U.S.C. § 1101-1537. This Court has jurisdiction under 28 U.S.C. § 2241, the Suspension Clause, U.S. Const. art. 1 § 9, cl. 2, and 28 U.S.C. § 1331.

11. The Due Process clause applies to all persons in the United States. *Zadvydas*, 533 U.S. at 693. Freedom from imprisonment lies at the heart of the liberty that the Due Process Clause protects. *Id.* at 690. A statute permitting indefinite detention of an alien raises a serious constitutional problem.

B. DETENTION BEYOND THE REMOVAL PERIOD IS UNLAWFUL WHEN REMOVAL IS NOT REASONABLY FORESEEABLE

12. Under 8 U.S.C. § 1231(a)(6), the government may continue detention beyond the 90-day removal period, but the Supreme Court construed this to authorize detention *only* where it is significantly likely that removal will occur in the reasonably foreseeable future.

13. Courts have repeatedly rejected conclusory claims by ICE agents who state, without submitting concrete factual information about scheduled flights or repatriation agreements, that removal is imminent. "A theoretical possibility of eventually being removed does not satisfy the government's burden once the removal period has expired." *Balza v. Barr*, No. 6:20-CV-00866, 2020 WL 6143643, at *5 (W.D. La. Sept. 17, 2020).

14. Under *Zadvydas*, courts consistently grant relief where the petitioner's country of origin refuses to issue a travel document, or there is a lack of diplomatic relationship. See, e.g., *Carreno v. Gillis*, No. 5:20-cv-44 (S.D. Miss. 2020) (granting release due to a lack of diplomatic relations with Venezuela); *Sharifi v. Gillis*, 2020 WL 7379211 (granting release after Iranian officials failed to respond to travel document requests).

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C. RECENT BINDING PRECEDENTS CONFIRM THAT REMOVAL TO RUSSIA IS CURRENTLY IMPOSSIBLE

15. Within the Eleventh Circuit, federal courts have just ruled that detention of Russian citizens under these exact circumstances is unconstitutional due to the impossibility of deportation.

16. In *Popov v. Hardin*, Case No. 2:26-cv-00028-SPC-DNF (M.D. Fla. Feb. 6, 2026), the Court examined the identical situation of a Russian citizen with a final order of removal. The Court granted the habeas petition and ordered the petitioner's release within 24 hours, expressly finding that "there is no significant likelihood of removal" to Russia due to the war and the cessation of flights.

17. Similarly, in *Malikov v. Bondi*, Case No. 2:26-cv-00172-SPC-NPM (M.D. Fla. Feb. 12, 2026), the Court granted habeas relief to a Russian citizen, recognizing the severe geopolitical barriers preventing ICE from executing removals to the Russian Federation.

D. THE "FUTILITY EXCEPTION" APPLIES STRONGLY DUE TO ICE'S PRIOR FAILURE IN 2012

18. Petitioner's case presents an even more compelling case for release than the typical *Zadvydas* claim because the Government's inability to remove him is a matter of established historical record. In 2012, Respondents attempted this exact same process and failed.

19. Fourteen years later, the diplomatic landscape between the U.S. and Russia has deteriorated entirely. Holding Petitioner now for a failed process that the Government already proved futile in 2012 is purely punitive. Re-arresting Petitioner in 2025 did not "Reset" his 90-day statutory clock, which permanently expired in 2018.

E. FAILURE TO FOLLOW AGENCY POLICY AND THE APA

20. Furthermore, under the Administrative Procedure Act (APA), an agency action must be set aside if it is 'arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.' 5 U.S.C. § 706(2)(A).

21. Respondents have failed to comply with their own binding internal policies, specifically ICE Directive 11002.1, which mandates an individualized determination for continued detention. ICE's decision to incarcerate Mr. Matsev for a goal they already know they cannot achieve—with no direct contact with the Russian Consulate—is the definition of arbitrary and capricious agency action.

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F. BURDEN OF PROOF

22. Where the Supreme Court has permitted civil detention in other contexts, it has relied on the fact that the Government bore the burden of proof by at least clear and convincing evidence. See *United States v. Salerno*, 481 U.S. 739, 750, 752 (1987) (upholding pre-trial detention after a “full-blown adversary hearing” requiring “clear and convincing evidence” and “a neutral decisionmaker”); *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) (striking down civil detention scheme that placed burden on the detainee); *Zadvydas*, 533 U.S. at 692 (finding post-final-order custody review procedures deficient because, *inter alia*, they placed burden on detainee).

23. The requirement that the government bear the burden of proof by clear and convincing evidence is also supported by application of the three-factor balancing test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). First, “an individual’s private interest in ‘freedom from prolonged detention’ is ‘unquestionably substantial.’” See *Rodriguez Diaz*, 53 F. 4th at 1207 (citing *Singh*, 638 F.3d at 1208). Second, the risk of error is great where the government is represented by trained attorneys and detained noncitizens are often unrepresented and may lack English proficiency. See *Santosky v. Kramer*, 455 U.S. 745, 763 (1982) (requiring clear and convincing evidence at parental termination proceedings because “numerous factors combine to magnify the risk of erroneous factfinding” including that “parents subject to termination proceedings are often poor, uneducated, or members of minority groups” and “the State’s attorney usually will be expert on the issues contested”). Moreover, detained noncitizens are incarcerated in prison-like conditions that severely hamper their ability to obtain legal assistance, gather evidence, and prepare for a bond hearing. Third, placing the burden on the government imposes minimal cost or inconvenience to it, as the government has access to the noncitizen’s immigration records and other information that it can use to make its case for continued detention.

G. ISAP as a Sufficient Alternative:

24. The Government’s interest in ensuring Petitioner’s appearance can be fully satisfied through an Order of Supervision (OSUP) and the Intensive Supervision Appearance Program (ISAP).

25. Due process also requires consideration of alternatives to detention. The primary purpose of immigration detention is to ensure a noncitizen’s appearance during civil removal proceedings. *Zadvydas*, 533 U.S. at 697. Detention is not reasonably related to this purpose if there are alternative conditions of release that could mitigate risk of flight. See *Bell v. Wolfish*, U.S. 520, 538–39 (1979) (civil pretrial detention may be unconstitutionally punitive if it is excessive in relation to its legitimate purpose). ICE’s alternatives to detention program ISAP has achieved extraordinary success in ensuring appearance at removal proceedings, reaching compliance rates close to 100 percent. *Hernandez v. Sessions*, 872 F.3d 976, 991

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(9th Cir. 2017) (observing that ISAP “resulted in a 99% attendance rate at all EOIR hearings and a 95% attendance rate at final hearings”). Thus, alternatives to detention must be considered in determining whether prolonged incarceration is warranted.

V. CONCLUSION

26. Petitioner's indefinite detention violates 8 U.S.C. § 1231(a)(6), the Due Process Clause of the Fifth Amendment, and the Administrative Procedure Act. The Government cannot establish a significant likelihood of removal in the reasonably foreseeable future, a fact recognized by multiple federal courts regarding Russian citizens and proven by the Government's own failure in 2012. The Law requires Petitioner's release.

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- 1. Grant the Writ of Habeas Corpus;**
- 2. Order Respondents to immediately release Petitioner from custody under an Order of Supervision such release be conditioned upon participation in the Intensive Supervision Appearance Program (ISAP) to ensure the Government's interest in compliance;**
- 3. Enjoin Respondents from re-detaining Petitioner unless the Government can demonstrate an actual, scheduled flight and acquired travel documents for his removal;**
- 4. Grant any such other and further relief as the Court deems just and proper.**

Respectfully submitted,

Anzor Matsev, Pro Se

A handwritten signature in black ink, appearing to read 'Anzor Matsev', is written over a horizontal line.

Date: February 20, 2026