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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Ivan CHEKHOVSKII,
Plaintiff,

v.

BRUCE SCOTT, Warden, Northwest
Immigration and Customs Enforcement
Processing Center;
CAMILLA WAMSLEY, Seattle Field
Office Director, Enforcement and Removal
Operations, United States Immigration and
Customs Enforcement;
KRISTI NOEM, Secretary, United States
Department of Homeland Security;
PAMELA BONDI, Attorney General of
the United States;
CHARLES NEIL FLOYD, US Attorney
for Western District of Washington
Department of Justice;
Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS**

Expedited Hearing Requested

INTRODUCTION

1
2 1. Ivan Chekhovskii, Petitioner, is a native of Kazakhstan and a citizen of Russia. He is
3 now detained as an arriving alien without bond at the Northwest ICE Processing Center pursuant
4 to 8 U.S.C. § 1182(a)(7)(A)(i)(I) (INA § 212(a)(7)(A)(i)(I), related to applying for admission
5 without a valid visa or permit. (See Appendix A – DHS Form I-867A and Supporting
6 Documents).

7 2. Mr. Chekhovskii entered the U.S. on June 3, 2024, and applied for asylum and related
8 relief before an immigration judge, based on [REDACTED] (See
9 Appendix B- Judge and BIA decisions). The Immigration Judge (“IJ”) denied relief on March
10 10, 2025. See Appendix B. Mr. Chekhovskii filed a timely appeal to the Board of Immigration
11 Appeals (“BIA”) on May 15, 2025, which was dismissed on September 5, 2025. See Appendix
12 B. On September 25, 2025, Mr. Chekhovskii filed a Petition for Review with the Ninth Circuit
13 Court of appeals; upon filing, the Ninth Circuit issued an order staying Mr. Chekhovskii’s
14 removal pending further order of the court. (See Appendix C-Ninth Circuit case notice and
15 supporting documents). On November 11, 2025, Mr. Chekhovskii filed his opening brief to the
16 Ninth Circuit Court of appeals, and his Stay of Removal is currently in effect. See Appendix C.

17 3. Mr. Chekhovskii has submitted numerous requests for custody redetermination to U.S.
18 ICE Enforcement and Removal Operations (ERO). The first request he made was on September
19 10, 2025, with several others following. (See Appendix D- Petitioner’s declaration). His first
20 requests were met with denials, without explanations. He resubmitted parole requests with
21 evidence of a sponsor, and continued to have his requests denied. He filed another parole request
22 on January 23, 2025, which was denied. Mr. Chekhovskii filed one formal custody determination
23 request (“bond”) with the Court on April 10, 2025, and was told that day his request was denied

1 because the IJ lacked jurisdiction. Mr. Chekhovskii has exhausted the remedies available to
2 request release with the Immigration Court and immigration officials. *See Jennings v. Rodriguez*,
3 138 S. Ct. 830, 837 (finding that the statute section 1225(b)(1)(B), does not impose “any limit on
4 the length of detention” pending a decision on the asylum application and does not authorize
5 bond hearings or release on bond).

6 4. At this time Mr. Chekhovskii has already been detained for a period of just over one
7 year and six months (or just over 18 months) in conditions that are similar if not worse than that
8 in a criminal detention facility and faces continued lengthy detention while his removal
9 proceedings are litigated with the Court of Appeals. Mr. Chekhovskii remains in custody in
10 inhumane conditions, creating an urgent circumstance for purposes of this petition for Writ of
11 Habeas requesting immediate release. (See Appendix D – Declaration of Ivan Chekhovskii on
12 Conditions of Confinement).

13 5. Mr. Chekhovskii has now been subject to prolonged detention without the rigorous
14 review necessary under 8 U.S.C. 1182 (d)(5)(A); (INA § 212(d)(5)(A)) to sustain such an
15 unreasonable and unjustified detention in violation of the Due Process Clause of the Fifth
16 Amendment of the United States Constitution. U.S. Const. Amend. 5.

17 6. Accordingly, Mr. Chekhovskii urgently petitions this Court for immediate release or,
18 in the alternative, an order requiring the Respondents to hold a bond hearing in accordance with
19 Mr. Chekhovskii’s Fifth Amendment Constitutional rights.

20 **JURISDICTION**

21 7. This action arises under the Constitution of the United States and the Immigration and
22 Nationality Act (INA), 8 U.S.C. § 1101 (INA § 101) *et seq.*

1 8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
2 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution
3 (Suspension Clause).

4 9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*,
5 the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C.
6 § 1651.

7 **VENUE**

8 10. Venue is proper because Petitioner is detained at the Northwest Immigration and
9 Customs Enforcement Processing Center in Tacoma, Washington which is within the jurisdiction
10 of this District.

11 11. Venue is proper in this District because Respondents are officers, employees, or
12 agencies of the United States and the Petitioner resides in this District and no real property is
13 involved in this action. 28 U.S.C. § 1391(e).

14 **REQUIREMENTS OF 28 U.S.C. § 2243**

15 12. The Court must grant the petition for writ of habeas corpus or issue an order to show
16 cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28
17 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a
18 return “within *three days* unless for good cause additional time, not exceeding twenty days, is
19 allowed.” *Id.* (emphasis added).

20 13. Courts have long recognized the significance of the habeas statute in protecting
21 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most
22 important writ known to the constitutional law of England, affording as it does a *swift* and
23 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391,

1 400 (1963) (emphasis added).

2 **PARTIES**

3 14. Mr. Chekhovskii is an arriving immigrant from Russia and is currently detained at the
4 Northwest Immigration and Customs Enforcement Processing Center in Tacoma, Washington.
5 He is in the custody, and under the direct control, of Respondents and their agents.

6 15. Respondent Bruce Scott is the Warden of Northwest Immigration and Customs
7 Enforcement Processing Center, and he has immediate physical custody of Petitioner pursuant to
8 the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and
9 is a legal custodian of Petitioner. Respondent Scott is a legal custodian of Petitioner.

10 16. Respondent Camilla Wamsley is sued in her official capacity as the Director of the
11 Seattle Field Office of U.S. Immigration and Customs Enforcement. Respondent Wamsley a
12 legal custodian of Petitioner and has authority to release him.

13 17. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.
14 Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for
15 the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S.
16 Immigration and Customs Enforcement, the component agency responsible for Petitioner's
17 detention. Respondent Noem is a legal custodian of Petitioner.

18 18. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of
19 the United States and the senior official of the U.S. Department of Justice (DOJ). In that
20 capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office
21 for Immigration Review (EOIR), which administers the immigration courts and the BIA.
22 Respondent Bondi a legal custodian of Petitioner.

1 19. Defendant Charles Neil Floyd is the United States Attorney for Western District of
2 Washington Department of Justice and is sued in his official capacity only.

3 **STATEMENT OF FACTS**

4 20. Petitioner is a 37-year-old citizen of Russia, 

5 21. On June 3, 2024, Mr. Chekhovskii crossed the U.S.-Mexico border without lawful
6 status, after unsuccessfully attempting to obtain an appointment through the CBP One
7 application. (See Appendix A). He was apprehended by CBP upon entering, and was transferred
8 to the Imperial Detention Center on June 6, 2024. See Appendix A. While in detention there, he
9 was given a credible fear interview, which he passed on June 18, 2025. See Appendix A. From
10 there, he was transferred to the Tacoma ICE Processing Center in Washington, where he
11 remains.

12 22. Mr. Chekhovskii made requests for discretionary parole to ICE Officers on
13 September 10, September 13, September 25, October 12, October 28, and November 8 of 2024.
14 (See Appendix D- Declaration of Ivan Chekhovskii). All parole requests were denied, some
15 without explanations and some stating that he needed to submit sponsor documents. See
16 Appendix D. His last parole request was made on January 23, 2025, which was denied after
17 receiving a response stating that no parole was being granted per a presidential directive. See
18 Appendix D. Mr. Chekhovskii also made a request for a bond determination hearing before the
19 Court on March 10, 2025, but his request was denied when the IJ told him that the Court did not
20 have jurisdiction. See Appendix D. He filed one more bond determination request on October 10,
21 2025, and has not yet received a response from the Court. See Appendix D.

22 23. On October 3, 2024, Mr. Chekhovskii filed his application for asylum and related
23 relief with the Immigration Court, based on a fear of persecution on account of his

1 homosexuality. On March 10, 2025, the IJ denied his applications for relief, and Mr.
2 Chekhovskii timely filed a notice of appeal with the BIA. See Appendix B. The Board dismissed
3 his appeal on September 5, 2025, and Mr. Chekhovskii filed a Petition for Review, along with a
4 Motion to Stay Removal, with the Ninth Circuit on September 25, 2025. See Appendix B, C.

5 24. On September 25, 2025, the Ninth Circuit opened the case for Mr. Chekhovskii, and
6 issued a temporary Stay of his Removal until further order of the Court. See Appendix C. As of
7 this Petition, the Stay of Removal remains in effect. See Appendix C- Copy of Ninth Circuit
8 Docket Notice showing the Motion for Stay of Removal remains in effect.

9 25. The Government's response to Mr. Chekhovskii's Brief on Appeal before the Ninth
10 Circuit is due January 13, 2026. See Appendix C. After this deadline, Mr. Chekhovskii has 21
11 days after the Government files their response to file a reply brief, and then the Ninth Circuit has
12 to review the case which it may set for Oral Arguments.

13 26. Mr. Chekhovskii has been detained for over a year and a half in conditions that are
14 inhumane and difficult. (Appendix D). He is confined to a small space with 8-12 other inmates,
15 and is only allowed outside for recreation sparingly. Appendix D. Even if he is released outside
16 to exercise, the space is limited at about 12 feet by 12 feet. Appendix D. Mealtimes are
17 inconsistent, with sometimes dinner arriving as late as 2 or 3 AM. Appendix D. Inmates at the
18 Tacoma IPC are forced to drink the same water that they also shower with. Appendix D. While
19 in detention, Mr. Chekhovskii has witnessed several fights between inmates, which the guards
20 often ignore. Appendix D. The guards themselves treat Mr. Chekhovskii rudely and aggressively.
21 Appendix D. Mr. Chekhovskii, who has no criminal history, is being caused irreparable harm by
22 his prolonged detention, and his release is urgent.

23 **LEGAL FRAMEWORK AND ANALYSIS**

1 **I. Mr. Chekhovskii was initially detained as an arriving alien upon entry into the**
2 **United States under 8 U.S.C. §1225(b)(1)(B).**

3 27. Section 1225(b) applies to an “applicant for admission,” that is, “[a]n alien
4 present in the United States who has not been admitted or who arrives in the United States.” 8
5 U.S.C. § 1225(a)(1). Under § 1225(b)(1), an applicant for admission “initially determined to be
6 inadmissible due to fraud, misrepresentation, or lack of valid documentation” is “normally
7 ordered removed ‘without further hearing or review’ pursuant to an expedited removal process.”
8 *Jennings v. Rodriguez*, 138 S. Ct. 830m 837 (2018) (quoting 8 U.S.C. § 1225(b)(1)(A)(i)); *see,*
9 *also, Rodriguez-Diaz v Garland*, 53 F.4th 1189 (9th Cir. 2022). But if the alien applies for asylum
10 and has a credible fear of persecution, “the alien shall be detained for further consideration of the
11 application.” 8 U.S.C. § 1225(b)(1)(B)(ii). All other applicants for admission are covered by §
12 1225(b)(2), which “serves as a catchall provision,” *Jennings*, 138 S. Ct. at 837, and which
13 mandates detention “if the examining immigration officer determines that an alien seeking
14 admission is not clearly and beyond a doubt entitled to be admitted,” 8 U.S.C. § 1225(b)(2)(A).
15 Mr. Chekhovskii arrived at the U.S. without valid documentation, but was given a credible fear
16 interview which he passed, and then subsequently applied for asylum. Therefore, he was placed
17 into removal proceedings as an arriving alien and was initially detained pursuant to 8 U.S.C. §
18 1225(b)(1)(B) pending a decision on his credible fear of persecution.

19 **II. Even though Mr. Chekhovskii was denied asylum and ordered removed from the**
20 **U.S., he remains detained under 8 U.S.C. § 1225(b)(1)(B) because his Stay of**
21 **Removal is in effect, pending further order from the Federal Appeals Court.**

22 28. Mr. Chekhovskii remains detained pursuant to 8 U.S.C. § 1225(b)(1)(B), and *not*
23 under 8 U.S.C. § 1231(a), because the Ninth Circuit Court of Appeals temporarily granted his
24 Motion for Stay of Removal, and his Stay remains in place until further order from the Court.
Section 1231 does not apply if stay of removal is pending: the removal period is triggered by the

1 latest of the following: (1) the date the order of removal becomes administratively final; (2) if the
2 removal order is judicially reviewed and if a court orders a stay of the removal, the date of the
3 court's final order; or (3) if the noncitizen is detained or confined (except under an immigration
4 process), the date the noncitizen is released from detention or confinement. 8 U.S.C. §
5 1231(a)(1)(B). If ICE is unable to remove the noncitizen during the removal period, DHS may
6 continue to detain certain noncitizens specified in the statute or release them under an order of
7 supervision. 8 U.S.C. § 1231(a)(6). Once an alien has a final removal order that is not subject to
8 a judicial stay, detention authority shifts to 8 U.S.C. § 1231(a). See *Jennings*, 138 S. Ct. at 843;
9 *see, also*,): *Gao v. LaRosa*, No. 25-cv-2084-RSH-SBC, F.Supp.3d, 2025 WL 2770633, at *2
10 (S.D. California September 26, 2025) (finding that “Although Petitioner’s application for asylum
11 has now been denied by an immigration judge, because Petitioner has appealed his order of
12 removal it is not administratively final and he remains subject to Section 1225(b)(1)(B)(ii)”).

13 Mr. Chekhovskii submitted a Motion to Stay Removal before the Ninth Circuit Court of
14 Appeals on September 25, 2025, and as a result the Appeals Court temporarily stayed his
15 removal pending further order of that Court. See Appendix C. At the time of this Petition, the
16 stay of removal is still in effect and therefore he remains detained pursuant to section
17 1225(b)(1)(B).

18 **III. Even as an arriving alien, Mr. Chekhovskii is guaranteed Due Process of Law under**
19 **the Fifth Amendment of the United States Constitution.**

20 29. The Fifth Amendment of the United States Constitution guarantees that “No person
21 [...] shall be deprived of life, liberty, or property, without due process of law.” U.S. Const.
22 amend. V. Critically, the United States Supreme Court has recognized that “freedom from
23 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
24 the heart of the liberty that Clause protects” and that “aliens, even aliens whose presence in this

1 country is unlawful, have long been recognized as ‘persons’ guaranteed due process of law by
2 the Fifth and Fourteenth Amendments.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491,
3 150 L.Ed.2d 653 (2001); *Clerveaux v. Searls*, 397 F. Supp. 3d 299, 306–07 (W.D.N.Y. 2019)
4 quoting *Plyer v. Doe*, 457 U.S. 202, 210, 102 S.Ct. 2382, 72 L.Ed.2d 786 (1982).

5 30. In considering the statutorily mandatory detention of aliens under the various
6 provisions of the Immigration Nationality Act, Courts have found that “the Due Process Clause
7 is not offended by the mandatory detention of aliens—even lawful permanent resident aliens—
8 for the ‘*brief period necessary* for their removal proceedings,’ but due process maybe implicated
9 if that ‘continued detention be[comes] unreasonable or unjustified.’” *Clerveaux* at 397 F. Supp.
10 3d 299, 307 (W.D.N.Y. 2019) quoting *Demore v. Kim*, 538 U.S. 510, 513, 532, 123 S.Ct. 1708,
11 155 L.Ed.2d 724 (2003) (emphasis added). In *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D.
12 Wash. 2019), this Western District Court of Washington specifically considered the detention of
13 a non-citizen detained pursuant to 8 U.S.C. § 1225(b) “joining the vast majority of other district
14 courts” concluded that “prolonged detention under § 1225(b) without a bond hearing violates due
15 process.” *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1106 (W.D. Wash. 2019). *See, also*,
16 *Rahman v. Garland*, No. 2:24-CV-02132-JHC-TLF, 2025 WL 1920341, at *3 (W.D. Wash. June
17 26, 2025) (Finding that an immigrant mandatorily detained under section 1225(b)(1)(B) was
18 entitled to a bond hearing under the *Banda* test); *Abderrahim Belqasim v. Drew Bostock*, No.
19 2:25-cv-01282-LK-TLF, 2025 WL 3466971, at *6 (W.D. Wash October 28, 2025)(Granting
20 habeas petition and ordering a bond hearing for an immigrant mandatorily detained under section
21 1225(b)(1)(B) after 13 months).

22 Under the plain language of the statutory provision section 1225(b)(1)(B), detention must
23 continue until immigration officers have finished ‘consider [ing]’ the application for asylum, §

1 1225(b)(1)(B)(ii), or until removal proceedings have concluded, § 1225(b)(2)(A).” *Jennings*,
2 583 U.S. at 299. While the statutory terms of 1225(b) do not require a bond hearing, a
3 petitioner’s continued detention must still comport with due process. *See Boumediene v. Bush*,
4 553 U.S. 723, 797 (2008) (holding that habeas corpus applies to detainees who were classified as
5 enemy combatants and held at Guantanamo Bay; “few exercises of judicial power are as
6 legitimate or necessary as the responsibility to hear challenges to the authority of the Executive
7 to imprison a person.”); *Wing Wong v. United States*, 163 U.S. 228, 235-237 (1896) (under the
8 Due Process Clause of the Fifth Amendment, temporary confinement is permissible for a
9 noncitizen pending deportation but – compulsory labor, confiscation of property, or other
10 punitive measures are not); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020) (“[T]he
11 Court joins the majority of courts across the country in concluding that an unreasonably
12 prolonged detention under 8 U.S.C. § 1225(b) without an individualized bond hearing violates
13 due process.”).

14 Accordingly, as an immigrant detained under 8 U.S.C. § 1225(b)(1)(B), Mr. Chekhovskii
15 is protected by the Fifth Amendment of the United States Constitution and this Court must
16 determine if his detention pending a final decision of his immigration removal proceedings has
17 become unjustifiably prolonged in violation of his constitutional Due Processes rights.

18 **IV. Mr. Chekhovskii’s detention pursuant to 8 U.S.C. §1225(b)(1)(B) has become**
19 **unreasonably prolonged in violation of his Fifth Amendment Constitutional Due**
20 **Process Rights and he is entitled to an individualized Bond hearing to determine**
21 **whether continued detention is justified.**

22 31. In determining whether a noncitizen’s prolonged mandatory detention under U.S.C. §
23 1225(b) has become unreasonable, the courts of the Western District of Washington State has
24 adopted “a multi-factor test that many other courts have relied upon to determine whether §

1 1225(b) detention has become unreasonable,¹ a multi-factor test which includes the following
2 factors: (1) the total length of detention to date; (2) the likely duration of future detention; (3) the
3 conditions of detention; (4) delays in the removal proceedings caused by the detainee; (5) delays
4 in the removal proceedings caused by the government; and (6) the likelihood that the removal
5 proceedings will result in a final order of removal. *Banda v. McAleenan*, 385 F. Supp. 3d 1099,
6 1106-07, 1118 (W.D. Wash. 2019); *Djelassi v. ICE Field Off. Dir.*, 434 F. Supp. 3d 917, 920-21
7 (W.D. Wash. 2020) (same); *Doe v. Bostock*, No. C24-0326-JLR-SKV, 2024 WL 3291033, at *9
8 (W.D. Wash. Mar. 29, 2024), report and recommendation adopted, No. C24-0326JLR-SKV,
9 2024 WL 2861675 (W.D. Wash. June 6, 2024). This Court should apply the *Banda* test even in
10 the case of detention under section 1225(b)(1)(B). *Abderrahim Belqasim v. Drew Bostock*, No.
11 2:25-cv-01282-LK-TLF, 2025 WL 3466971, at *6 (W.D. Wash October 28, 2025) (finding that
12 the *Banda* multi-factor test was the appropriate test to determine whether the prolonged detention
13 of the Petitioner, detained under section 1225(b)(1)(B), violated due process). In applying the
14 *Banda* multi-factor test in determining the reasonableness of Mr. Chekhovskii's detention under
15 § 1225(b), this Court will find that Mr. Chekhovskii's detention under § 1225(b) has become
16 unjustifiably unreasonable and prolonged in violation of his due process rights.

17 *a. The total length of Mr. Chekhovskii's detention to date, a period of over*
18 *eighteen months, has become unreasonably prolonged.*

19 32. In this analysis of whether a non-citizens detention has been unreasonably prolonged
20 pending removal proceedings, courts have found the length of detention to be the most important
21 factor. *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1118–19 (W.D. Wash. 2019).

22 _____
23 ¹ See *Jamal v. Whitaker*, 358 F. Supp. 3d 853, 858, 859 (D. Minn. 2019); *Lett v. Decker*, 346 F. Supp. 3d 379, 387-
24 88 (S.D.N.Y. 2018) (same); *Brissett v. Decker*, 324 F. Supp. 3d 444, 452-53 (S.D.N.Y. 2018) (same); *Bermudez*
Paiz, 2018 WL 6928794, at *10 (same); *Perez v. Decker*, No. 18-5279, 2018 WL 3991497, at *4-*5 (S.D.N.Y. Aug.
20, 2018) (same).

1 33. In *Zadvydas v. Davis*, 533 US. 678, 680, 121 S. Ct. 2491, 2494, 150 L. Ed. 2d 653
 2 (2001) in considering constitutional challenge to the reasonableness of post-removal-period
 3 detention, the United States Supreme Court opined that “[i]t is unlikely that Congress believe d
 4 that all reasonably foreseeable removals could be accomplished in 90 days, but there is reason to
 5 believe that it doubted the constitutionality of more than six months’ detention” and further
 6 discussed a need for a reasonableness analysis when removal is not reasonably foreseeable.
 7 *Zadvydas* at 2494. Mr. Chekhovski is currently in detention pending removal proceedings gathered
 8 in post-removal detention and removal is even less reasonably foreseeable as counsel for Mr.
 9 Chekhovski in the process of appealing the denial of his applications to the Ninth Circuit Court
 10 of Appeals. As a result, his continued detention beyond six months without a bond is that much
 11 more unreasonable given the likelihood of even longer future detention.

12 34. In considering the length of detention factor, other courts engaging in the case specific
 13 analysis adopted by this district for non-citizen detainees under 8 U.S.C. § 1225(b) and have
 14 found detention to be unreasonably prolonged and granted bond for periods of detention ranging
 15 from 9 months to 19 months and longer. *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1118–19
 16 (W.D. Wash 2019) (granted bond hearing after 17 months); *Lett v. Decker*, 346 F. Supp. 3d 379,
 17 387–88 (S.D.N.Y. 2018) (granting bond hearing after more than months detention); *Brissett v.*
 18 *Decker*, 324 F. Supp. 3d 444, 452–53 (S.D.N.Y. 2018) (granting bond after more than 9 months
 19 detention); *Bermudez Paiz*, 2018 W I6928794, at *10 (recommending granting bond after 18
 20 months detention); *Perez v. Decker*, No. 18-5279, 2018 W I3991497, at *4–*5 (S.D.N.Y. Aug.
 21 20, 2018) (granting bond hearing after 9 months detention); *Abderrahim Belqasim v. Drew*
 22 *Bostock*, No. 2:25-cv-01282-LK-TLF, 2025 W I3466971, at *6 (W.D. Wash October 28, 2025)
 23 (recommending bond after 13 months detention); *Rahman v. Garland*, No. 2:24-CV-02132-

1 JHC-TLF, 2025 W L1920341, at *6(W D. W ashJun e26, 2025)(recom m e n d b e n d a f t e r l e s s
2 than 13 m o n t h s i n d e t e n t i o n).

3 35. Mr. Chekhovski has been detained at the NW FC facility pending *civil* removal
4 proceedings to determine whether the brief detention necessary for the processing of removal
5 proceedings since June 3, 2024, and as of the date this pleading has been filed, he has been in
6 custody for over 18 months, or a year and a half. Mr. Chekhovski's 18-month detention is
7 undoubtedly a prolonged violation of his constitutional Due Process rights. See *Banda*, 385 F.
8 Supp. 3d at 1118 (finding this factor favorable to petitioner and granting bond hearing after 17
9 months detention under § 1225(b) and collecting case grants bond hearing after nine to ten
10 six months and nine months detention); *Cardozo v. Bostock*, No. 2:25-CV-00871-TMC, 2025
11 W L2592275, at *1(W D. W ashSept. 8, 2025) (finding this factor favorable to petitioner and
12 granting bond hearing after 10 months detention under § 1225(b)).

13 *b. The claims Mr. Chekhovskii is raising in his civil immigration appeal process*
14 *all but guarantee that his detention will continue for many more months if not*
15 *years.*

16 36. In the 18 months he has been detained Mr. Chekhovski, through his prior and
17 current counsel has been pursuing every remedy reasonably available to him in his civil
18 immigration removal proceedings. The immigration court has already ruled on Mr.
19 Chekhovski's application for asylum and late relief, and the BIA review panel dismissed his
20 case on appeal. Consequently, Mr. Chekhovski has exercised his appellate rights, and filed his
21 Petition for Review with the Ninth Circuit. Notably, according to the Ninth Circuit's public
22 website, it takes approximately 6 to 12 months from the date of the notice of appeal to oral
23 argument and following argument most cases take 3 months to a year for the Court of Appeals
24 to decide the case. *Sarr v. Scott*, No. 2:24-CV-01293-RAJ-BAT, 2025 W L388652, at *7(W D.

1 W ashFeb. 4, 2025) citin g to US . Court of Appe alsfor the Nn th Circuit, Fre quently Aske d
 2 Que stion s, www.ca9.uscourts.gov/conte nt/fa qh p (last acce sse dDece mber 6, 2025). Mr.
 3 Che khovski subm ite dhis n tice of appe alon Se pte mber 25, 2025, an dtherefore an ora l
 4 argum e n s un like ly to be sche dule any e arlie r than M arch of 2026, if n o untl Se pte mber of
 5 2026.

6 37. This Court should fin d that base don the rem e d iawala ble to Mr. Che khovski an d
 7 the curre nt wait tim e s for som eof those rem e d ias n de dabove, d ete ntion is like ly to contin ue
 8 for m ay m oe m o nths if n o ye ars without jud icial n terve ntion . This is eve nm oe like ly in this
 9 case because Mr. Che khovski 's appe al to the Nn th Circuit argue s that the BIA erre d in fa in g
 10 to reve w his fe ar of future perse cutio n un d e the d s favore d group an aysis. Should the Court of
 11 Appe alsagre ewith his argum e nts, the case will like ly be rem an d b ack to the Board for further
 12 an aysis of the other is sue s n o t con si de red by the BIA on appe al, further prolon g in g n a l
 13 ad j d i cation of his case. See, also, *Abderrahim Belqasim v. Drew Bostock*, No. 2:25-cv-01282-
 14 LK-TLF, 2025 W L3466971, at *7(W D. W ashOctober 28, 2025) (fn d in g that, while the Court
 15 can n o t de rmi n e the exact tim e an appe al m y be pe n d in g the record shows that the petio n er
 16 will like ly face m ay m oe m o nths, an d pote ntially ye ars, in d ete ntion)(citing *Barraza v. ICE*
 17 *Field Off. Dir.*, No. C23-1271-BHS-M LP, 2023 W L9600946, at *6(W D. W ashDec. 8, 2023),
 18 re port an drecom m e n t n a d ope d sub n om *Barraza v. United States Immigr. & Customs Enft*
 19 *Field Off. Dir.*, No. C23-1271 BHS, 2024 W L518945 (W D. W ashFeb. 9, 2024) (cle an e d p)
 20 (citi n g the Nn th Circuit websi te's tim e li n e for appe als an d n o t in g that un d e this tim e li n e a
 21 petio n er who fle d his petio n for reve w with the Nn th Circuit a few m o nths prio r could be
 22 facin g two ye ars or m oe of ad d t i o n a l tim e in custody)).

1 However, if this Court declines to speculate as to the likely duration of the future
2 detention on the basis that Mr. Chekhovski recently submitted this Petition for Review with the
3 appellate Court, this Court should find this factor neutral and favoring neither party. *Doe v.*
4 *Bostock*, No. C24-0326-JLR-SKV, 2024 WL 3291033, at *10 (W.D. Wash. Mar. 29,
5 2024), report and recommendation adopted, No. C24-0326-JLR-SKV, 2024 WL 12861675 (W.D.
6 Wash. June 6, 2024).

7 ***c. The conditions of Mr. Chekhovskii's conditions at the Northwest Immigration***
8 ***and Customs Enforcement Processing Center (NWIPC) are substantially***
9 ***similar if not worse than conditions in criminal detention facilities across the***
 United States.

10 38. In considering the conditions of detention, courts have found that “[t]he mere that the
11 conditions under which the [non-citizen] is being held resemble penitentiary conditions the stronger
12 his argument that he is entitled to a bond hearing.” *Banda v. McAleenan*, 385 F. Supp. 3d 1099,
13 1119 (W.D. Wash. 2019) (quoting *Jamal v. Whitaker*, 358 F. Supp. 3d 853, 860 (D. Minn. 2019)).
14 This Court has already previously found that conditions at the NW PC are as a generally “similar
15 to those in many prisons and jails.” *Doe v. Bostock*, No. C24-0326-JLR-SKV, 2024 WL
16 3291033, at *11 (W.D. Wash. Mar. 29, 2024), report and recommendation adopted, No. C24-
17 0326-JLR-SKV, 2024 WL 12861675 (W.D. Wash. June 6, 2024).

18 39. On April 27, 2025, the University of Washington Center for Human Rights released
19 an alarm in report on the conditions at NW PC, noting that “in just the first three months of
20 2025, multiple hunger strikes have broken out, with detainees reportedly participating in
21 base advocacy organization La Resistencia that even as infectious disease spread throughout the
22 facility, clean clothing, medical care, and food are in short supply” and that “the abusive
23 conditions documented for eight years by the UW Center for Human Rights—such as

1 the overuse of solitary confinement, the denial of access to quality medical care, poor hygiene
 2 and sanitation, frequent uses of physical force and chemical gas, and a lack of adequate
 3 response to reported sexual abuse—not only persists, but many in fact have become even more
 4 acute as the facility approaches its maximum capacity of 1575 people.”²

5 40. Mr. Chekhovskii’s personal experience in detention at NW CP is consistent with the
 6 latest report of the University of Washington Center for Human Rights (Appended -
 7 Declaration of Ivan Chekhovskii). Mr. Chekhovskii has described that the drinking water at
 8 NW CP at times smells like a dirty mop and measures are inconsistent and delayed (to a point
 9 where diners serve past 2:00 AM at times) meals are nutritionally insufficient, and due to
 10 low staffing of 80 people are at times supervised by just one officer and when violence
 11 breaks out, the officers cannot necessarily intervene immediately. *Id.* This leaves Mr.
 12 Chekhovskii feeling unsafe, as well as undignified. *Id.* The stress of the conditions has
 13 worsened Mr. Chekhovskii’s mental health, and his sleep has degraded as well. *Id.*

14 41. This Court should find that this factor favors Mr. Chekhovskii’s position that his 18-
 15 month confinement runs afoul of the conditions without bond violate his constitutional Due Process
 16 Rights.

17 ***d. Mr. Chekhovskii has not been the cause of any delays in his removal***
 18 ***proceedings.***

21 ² Conditions at the NWDC: Patterns of neglect in TPD response to reports of crimes, Center for Human Rights.
 22 Available at: [https://jsis.washington.edu/humanrights/2025/04/24/conditions-at-the-nwdc-patterns-of-neglect-in-tpd-
 23 response-to-abuse-and-assault/](https://jsis.washington.edu/humanrights/2025/04/24/conditions-at-the-nwdc-patterns-of-neglect-in-tpd-response-to-abuse-and-assault/) (Accessed: 6 December 2025). See also La Resistencia, @laresistencianw, 2024,
 “New signage at NWDC confirms Varicella (the virus that causes the chicken pox) inside the facility!”, January 16,
 2024, https://www.instagram.com/laresistencianw/p/DE5hVQBz1W/?img_index=1.

1 42. Courts have found that petitioners are, “entitled to raise legitimate defense to
 2 removal. and such challenge [...] removal can be found in [...] claim that detention
 3 has become unreasonable.” *Liban M.J. v. Sec’y of Dep’t of Homeland Sec.*, 367 F. Supp. 3d
 4 at 665 (citing *Hernandez v. Decker*, 2018 W L3579108, at *9 (S.D.N.Y. July 25, 2018)
 5 (“[T]he mere fact that a noncitizen opposes his removal is insufficient to defeat a finding of
 6 unreasonable prolonged detention, especially where the Government fails to distinguish
 7 between nonaffirmative and frivolous arguments in opposition.”). *Barraza v. ICE Field Off. Dir.*,
 8 No. C23-1271-BHS-MLP, 2023 W L9600946, at *6 (W.D. Wash. Dec. 8, 2023), report and
 9 recommendation adopted from *Barraza v. United States Immigr. & Customs Enf’t Field*
 10 *Off. Dir.*, No. C23-1271 BHS, 2024 W L518945 (W.D. Wash. Feb. 9, 2024); See also *Doe v.*
 11 *Bostock*, No. C24-0326-JLR-SKV, 2024 W L3291033, at *12 (W.D. Wash. Mar. 29,
 12 2024), report and recommendation adopted, No. C24-0326JLR-SKV, 2024 W L2861675
 13 (W.D. Wash. June 6, 2024)

14 43. Throughout the pendency of his removal proceeding Mr. Chekhovski has sought
 15 rigorous representation by counsel in pursuing viable remedies to oppose his removal and pursue
 16 continuance as a needful pursuit of those viable remedies as his right. *Id.* This Court should
 17 find this factor also in his favor.

18 ***e. Delays in removal proceedings caused by the Government.***

19 44. Even though Mr. Chekhovski has complied with every final court order,
 20 and hearing notice, his case remains pending and he remains detained after 18 months. His final
 21 hearing was not set until he had been detained for nearly 18 months, which was not the fault of Mr.
 22 Chekhovski. *Dukuray v. Decker*, No. 18-2898, 2018 W L5292130, at *4 (S.D.N.Y. Oct. 25,
 23 2018) (weighing delay caused by immigration court in favor of the petitioner). The duration of
 24

1 the BIA Appeal (6 months), an likely duration of the Ninth Circuit Appeal are attributable only
2 to the Government and Courts, as control of case processing stems solely from government and
3 judicial organizations. See *Djelassi v. ICE Field Off. Dir.*, 434 F. Supp. 3d 917, 922-923 (W.D.
4 Wash.2020) (finding that the record reflects that delay in this case is a product of the BIA's and
5 Ninth Circuit's "crowded dockets," which courts typically attribute to the Government and the
6 Petitioner (citing *Martinez v. Clark*, No. 18-1669, 2019 WL 5968089, at *10 (W.D. Wash. May
7 23, 2019), R & R adopted, 2019 WL 5962685 (W.D. Wash. Nov. 13, 2019)).

8 45. This Court should find that the unreasonably long detention of Mr. Chekhovskii has
9 been caused largely by overcrowded dockets- the responsibility of the Government- and thus this
10 factor weighs in favor of the Petitioner.

11 *f. The likelihood that removal proceedings will result in a final order of removal.*

12 46. In considering the likelihood that removal proceedings will result in a final order of
13 removal, courts have considered whether the noncitizen has asserted any defenses to removal.
14 *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1120 (W.D. Wash. 2019) (citing to *Sajous v.*
15 *Decker*, No. 18-CV-2447 (AJN), 2018 WL 2357266, at *11 (S.D.N.Y. May 23, 2018)). "Where
16 a noncitizen has not asserted any grounds for relief from removal, presumably the noncitizen will
17 be removed from the United States, and continued detention will at least marginally serve the
18 purpose of detention, namely assuring the noncitizen is removed as ordered [...] but where a
19 noncitizen has asserted a good faith challenge to removal, 'the categorical nature of the detention
20 will become increasingly unreasonable.'" *Id.* (quoting *Reid v. Donelan*, 819 F.3d 486, 500 (1st
21 Cir. 2016), opinion withdrawn on reconsideration, No. 14-1270, 2018 WL 4000993 (1st Cir.
22 May 11, 2018)). In *Banda*, where the Petitioner was appealing a denial of an asylum application
23 during his removal proceedings, the Court noted that it did "not have sufficient information to

1 determine whether the appeal is nonfrivolous or whether petitioner ultimately would prevail and
2 concluded this factor as favoring neither party. *Banda*, 385 F. Supp. 3d 1099, 1120 (W.D. Wash.
3 2019).

4 47. In this case, Mr. Chekhovskii has filed a good-faith appeal of the denial of his asylum
5 application with the Ninth Circuit. He has argued that the BIA erred in failing to review his fear
6 of future persecution under the disfavored group analysis, and should the Court of Appeals agree
7 with his arguments, the case will likely be remanded back to the Board for further analysis of the
8 other issues not considered by the BIA on appeal. As a result, this Court should find this final
9 factor in Mr. Chekhovskii's favor. In the alternative, this Court should find this factor to be
10 neutral if it lacks enough information to determine whether or not his appeal is non-frivolous or
11 whether he will likely prevail.

12 48. In sum, after weighing all five of the *Banda* factors, this Court should find that Mr.
13 Chekhovskii's 18-month prolonged detention under 8 U.S.C. § 1225(b)(1)(B) has become
14 unreasonable prolonged in violation of his Fifth Amendment Constitutional Due Process rights
15 and he is entitled to an individualized bond hearing to determine whether continued detention is
16 justified. *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1106-07, 1118 (W.D. Wash. 2019); U.S.
17 Const. amend. V.

18 **V. Under 28 U.S.C.A. § 2241(c)(3) this Court is authorized to hold a bond hearing and**
19 **order Mr. Chekhovskii released upon a determination that Mr. Chekhovskii does**
20 **not present a danger to the community and upon a determination that Mr.**
21 **Chekhovskii is not a flight risk.**

22 49. Section § 2241 of Title 28 of the United States Code "authorizes a district court to
23 grant a writ of habeas corpus whenever a petitioner is 'in custody in violation of the Constitution
24 or laws or treaties of the United States.'" 28 U.S.C.A. § 2241(c)(3). If a habeas court determines
that a petitioner is being held unlawfully either without bond or under excessive bond, the court

1 can either order the agency to hold a bond hearing to establish bond in a reasonable amount or
2 hold the bond hearing itself and to order the defendant released pendente lite, either under FRAP
3 23(b) or by virtue of its inherent authority. *Nadarajah v. Gonzales*, 443 F.3d 1069, 1084 (9th Cir.
4 2006) (ordering “immediate release, subject to terms and conditions to be set by the appropriate
5 delegate of the Attorney General”). Therefore, This Court has the authority to grant Mr.
6 Chekhovskii’s petition for immediate release or, in the alternative, a bond hearing before an
7 immigration judge.

8 **VI. The Respondents failed to prove by clear and convincing evidence that Mr.
9 Chekhovskii’s is a danger to the community or that he is a flight risk and
10 accordingly this Court should order Mr. Chekhovskii’s immediate release or in the
11 alternative this Court should order Respondents to hold an individualized bond
12 hearing.**

11 50. Due Process requires the Government to show by clear and convincing evidence that
12 the detainee presents a flight risk or a danger to the community at the time of the bond hearing in
13 order to continue to detain a noncitizen for a prolonged period of time while removal
14 proceedings are pending. *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1120–21 (W.D. Wash.
15 2019) (citing to *Calderon-Rodriguez v. Wilcox*, No. 18-1373, 2019 WL 487709, at *6 (W.D.
16 Wash. Jan. 9, 2019), *R & R adopted*, 374 F.Supp.3d 1024 (W.D. Wash. 2019) (citing *Singh v.*
17 *Holder*, 638 F.3d 1196, 1208 (9th Cir. 2011)); *see also Cortez v. Sessions*, 318 F. Supp. 3d 1134,
18 1146-47 (N.D. Cal. 2018) (holding that *Singh’s* standards continue to apply to prolonged
19 detention bond hearings post-*Jennings*). In this case the Government simply cannot meet this
20 burden and as such Mr. Chekhovskii must be released while his removal proceedings are
21 pending.

22 51. First, there is no evidence to even suggests that Mr. Chekhovskii presents a flight
23 risk. While he arrived in the U.S. and was immediately detained, limiting his ability to build

1 community ties, he has obtained support from an organization and people within that
2 organization who have submitted documentation and evidence that they will house and support
3 the Petitioner. (Appendix E- Evidence of Sponsor letter and supporting documents). The
4 sponsor resides in Redmond, Washington, and has submitted a notarized statement that they will
5 provide support for Mr. Chekhovskii and also make sure he is in compliance with any
6 supervision or immigration monitoring orders should he be released. See Appendix E. In sum,
7 this Court has clear and convincing evidence that Mr. Chekhovskii is *not* a flight risk.

8 52. Mr. Chekhovskii has never been arrested for any crimes, and has no criminal history
9 in the U.S. or any other country. Here again the Government cannot establish by clear and
10 convincing evidence that Mr. Chekhovskii currently presents a danger to the community.

11 53. This Court should order Mr. Chekhovskii's immediate release from civil detention
12 under 8 U.S.C. §1225(b)(1)(B) as his detention has been unreasonably prolonged in violation of
13 his constitutional Fifth Amendment Due Process rights, as the Government cannot meet its
14 burden of showing by clear and convincing evidence that Mr. Chekhovskii is a flight risk or a
15 danger to the community, and because he is suffering irreparable mental trauma while he
16 remains detained.

17 **CLAIMS FOR RELIEF**

18 **Violation of Fifth Amendment Right to Due Process**

19 54. Petitioner restates and realleges all paragraphs as if fully set forth here.

20 55. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits
21 the federal government from depriving any person of "life, liberty, or property, without due
22 process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United
23 States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or

1 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001);
2 *Clerveaux v. Searls*, 397 F. Supp. 3d 299, 306–07 (W.D.N.Y. 2019) quoting *Plyer v. Doe*, 457
3 U.S. 202, 210, 102 S.Ct. 2382, 72 L.Ed.2d 786 (1982).

4 56. In *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D. Wash. 2019), this Western District
5 Court of Washington considered the detention of a non-citizen detained pursuant to 8 U.S.C. §
6 1225(b) and “joining the vast majority of other district courts” concluded that “prolonged
7 detention under § 1225(b) without a bond hearing violates due process” and such a violation is
8 determined utilizing a multi-factor test which includes the following factors: (1) the total length
9 of detention to date; (2) the likely duration of future detention; (3) the conditions of detention;
10 (4) delays in the removal proceedings caused by the detainee; (5) delays in the removal
11 proceedings caused by the government; and (6) the likelihood that the removal proceedings will
12 result in a final order of removal. *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1106–07, 1118
13 (W.D. Wash. 2019).

14 57. Accordingly, as an arriving alien under 8 U.S.C. § 1225(b)(1)(B), Mr. Chekhovskii is
15 protected by the Fifth Amendment of the United States Constitution and this Court in evaluating
16 all of the *Banda* factors this Court will find that Mr. Chekhovskii’s detention has become
17 unreasonably prolonged in violation of his Fifth Amendment Due Process Rights and he is
18 entitled to immediate relief.

19 **PRAYER FOR RELIEF**

20 58. Wherefore, Petitioner respectfully requests this Court to grant the following:

- 21 (1) Assume jurisdiction over this matter.
22 (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition
23 should not be granted within three days.

- 1 (3) Declare the Petitioner's detention civil detention during the pendency of his immigration
2 removal proceedings under § 1225(b) without a bond hearing has become unjustifiably
3 and unreasonable prolonged in violation of the Due Process Clause of the Fifth
4 Amendment.
- 5 (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately
6 or in the alternative to schedule an individualized bond hearing before this Court, or in
7 the alternative before an immigration judge.
- 8 (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on
9 any other basis justified under law; and
- 10 (6) Grant any further relief this Court deems just and proper.

11 Respectfully submitted,

12 /s/ Danielle Richardson
13 Danielle Richardson WSBA#49642
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16 Seattle, WA, 98114
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Dated: this 12th day of December, 2025.

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

We represent Petitioner, Ivan Chekhovskii and submit this verification on his behalf. Petitioner is currently detained at the Northwest ICE Processing Center. We hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of our knowledge.

Dated: *this 12th day of December, 2025.*

/s/ Danielle Richardson
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