

Name: *Oleg Babak*  
1623 EAST J STREET SUITE FIVE  
TACOMA, WASHINGTON 98421

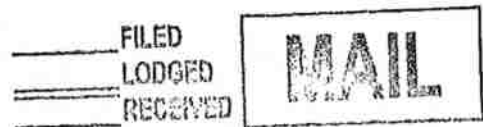
UNITED STATES DISTRICT COURT

IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

Name: *Oleg Babak*  
Petitioner  
  
vs.  
  
ICE Field Office Director  
  
Respondent

Case No. *2:26-cv-00055-TSZ*

REPLY TO RESPONSE TO MOTION



FEB 05 2026

(T SEATTLE)  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BY

DEPUTY

The Petitioner is currently held in custody of the Attorney General at Tacoma's Northwest Detention Center in Tacoma Washington.

Here, the Petitioner moves this Court to

1. Be immediately released from detention under *Zadvydas v. Davis*, 533 U.S. 678, 689, 121. S. Ct. 2491, 150 L. Ed. 2D 653 (2001);[\*702] V. 208 F. 3d at 831 and n. 30.
2. Provide me with a hearing in which the government must show I'm a risk of flight or danger to the community before re-detaining me as required by the due process clause.
3. Not to remove me to a third country in an unconstitutionally, punitive manner and provide me with a notice and an opportunity to respond to any third country removal attempt in a re-opened removal proceeding. ( *KHIM v. BONDI* )

I was born in USSR in 1977. I came to United States of America on August 8<sup>th</sup> 1989 as a refugee, my family running from persecution for our political & religious beliefs. Due to a criminal conviction in 1998 I was placed in ICE detention for a period of 15 months, where a judge found me removable and ordered me deported on 4/27/1999. After a review totaling 450 days I was placed on order of supervision.

## RE-DETENTION.

I was picked up on a notice of revocation of my release, when I went to check in on false pretense of biometric need. This occurred on December 16<sup>th</sup> 2025. I've now been in Tocomo detention center for 34 days, for a total of 484 days, well past the presumptive 180 days post conviction rule.

The Courts have made it clear that the government did not meet its burden nor was it persuasive enough to rebut that said detention has become indefinite. (Veiga v. Bondi, 2025 U.S. Dist. LEXIS 254968 case NO. 2:25-cv-02168-TMC). Therefore my detention has become illegal. (Zadvydas v. Davis 533 U.S. 678, 689, 121 S. Ct. 2491, 150 L. Ed. 2D 653 (2001) (Dkt. #1a+3). ICE has

1 not asked me to choose a third country  
2 but if the due I will not agree. My  
3 safety would not be guaranteed!

4  
5 **SIMILAR CASES GRANTING**  
6 **HABEAS CORPUS UNDER 2241**  
7

8 Bernik v. Bondi, 2025 U.S. Dist. Lexis 180619  
9 Decyatnik v. Noem, 2025 U.S. Dist. Lexis 266796  
10 Mikhaylich v. Marin, 2026 U.S. Dist. Lexis 3801  
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**PROOF OF SERVICE**

**&**

**DECLARATION**

I, Oleg Bubark, AVER THAT I AM A PARTY TO THIS ACTION DO HEREBY AVER THAT I HAVE PROVIDED A COPY OF THE FOREGOING DOCUMENT:

**REPLY TO RESPONSE TO MOTION**

**U.S. District Court  
Clerk's Office  
700 Stewart Street, Suite 2310  
Seattle, Washington 98101**

700 Stewart Street, Suite 5220  
Seattle WA. 98101-1271

I WILL TESTIFY UNDER THE PENALTY OF PERJURY THAT THIS IS THE TRUTH.

THE ITEMS WERE MAILED FIRST CLASS MAIL ON THE DATE BELOW.

SUBMITTED ON

1/30/2026

SIGNED



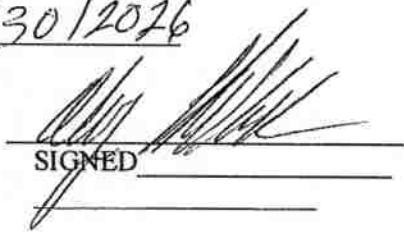
**VERIFICATION**

I, *Oleg Babitsk*, do hereby aver that the words above are the truth and the entire truth, that I will testify to those facts under penalty of perjury and I provide this information based upon personal belief that they are the facts of this matter, except where stated on personal belief. Submitted under the penalty of perjury of the laws of the United States.

//

Dated this

1/30/2026

  
SIGNED \_\_\_\_\_