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March 19, 2026

VIA ECF:

Honorable Paul S. Diamond
Judge, United States District Court
3809 United States Courthouse
601 Market Street
Philadelphia, PA 19106-1744

RE: Status Update
Yaroslav Fatenko v. Rose, et al., E.D. Pa. Civ. No. 26-cv-0471

Dear Judge Diamond:

Undersigned counsel apologizes for the delay in submitting an update in this matter, which arose due to personal circumstances.

The Petitioner, Yaroslav Fatenko, was released from custody on January 29, 2026. However, Immigration and Customs Enforcement (“ICE”) has placed the Petitioner under an order of supervision that required him to report to their Philadelphia office on February 12, 2026, and requires him to report again on August 12, 2026. In addition, ICE is demanding that he bring with him documentation regarding requests made to embassies or consulates for travel documents. *See* Order of Release on Recognizance and Warrant for Arrest, Exhibit B.

The Petitioner is in temporary protected status (“TPS”) as a citizen of Ukraine. INA § 244(d)(4) [8 U.S.C. § 1254a] provides that an individual in TPS shall not be detained on the basis of the alien's immigration status. Nevertheless, it appears that ICE is under the misapprehension that he is under a final order of removal; else, why the demand that he request travel documents.

Moreover, ICE continues to maintain its position in its Notice to Appear (“NTA”), Exhibit A to Petition, that the Petitioner was not admitted or paroled into the United States, and has not recognized that he currently possesses TPS.

In his habeas petition, the Petitioner requested that his detention be declared unlawful, which the Government has yet to concede. Thus, this issue appears to be unresolved.

Respectfully submitted,

/s/ Francois-Ihor Mazur
Francois-Ihor Mazur
Attorney for Petitioner

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE

File No.:

Name: FATENKO, YAROSLAVDate: Jan 29, 2026

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- ☒ You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- ☒ You must surrender for removal from the United States if so ordered.
- ☒ You must report in (writing) (person) to Duty officer at See I-831 on 02/12/2026 10:00 as directed.

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- ☒ You must not change your place of residence without first securing written permission from the officer listed above.
- ☒ You must not violate any local, State or Federal laws or ordinances.
- ☒ You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.
- ☐ Other: *Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.*

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

- ☒ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by Immigration and Customs Enforcement.

TEJEDA, K. 8859
SDDO

(Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the UKRAINIAN/ENGLISH language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

LENZE, M 8904

Deportation Officer

(Signature of ICE Official Serving Order)

01/29/2026

Date

(Signature of Alien)

I hereby cancel this order of release because:

- ☐ The alien failed to comply with the conditions of release.
- ☐ The alien was taken into custody for removal.

(Signature of ICE Official Cancelling Order)

Date

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE
(ADDENDUM)

File No.:

Name: FATENKO, YAROSLAVDate: January 29, 2026

- ☒ That you do not associate with known gang members, criminal associates, or be associated with any such activity.
- ☐ That you register in a substance abuse program within 14 days and provide ICE with written proof of such within 30 days. The proof must include the name, address, duration, and objectives of the program as well as the name of a counselor.
- ☐ That you register in a sexual deviancy counseling program within 14 days and provide ICE with written proof of such within 30 days. You must provide ICE with the name of the program, the address of the program, duration and objectives of the program as well as the name of a counselor.
- ☐ That you register as a sex offender, if applicable, within 7 days of being released, with the appropriate agency(s) and provide ICE with written proof of such within 10 days.
- ☒ That you do not commit any crimes while on this Order of Release on Recognizance.
- ☐ That you report to any parole or probation officer as required within 5 business days and provide ICE with written verification of the officer's name, address, telephone number, and reporting requirements.
- ☐ That you continue to follow any prescribed doctor's orders whether medical or psychological including taking prescribed medication.
- ☒ That you provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.
- ☒ That you provide ICE with written responses from the Embassy or Consulate regarding your request.
- ☒ Any violation of the above conditions will result in revocation of your employment authorization document.
- ☒ Any violation of these conditions may result in you being taken into ICE custody and you being criminally prosecuted.
- ☒ Other: *Bring Valid Passport - 2-12-26- Report IN.*
null

X

(Signature of Alien)

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

**ORDER OF RELEASE ON RECOGNIZANCE
(OUT-PROCESSING CHECKLIST)**

Sex Offenders

- ☐ Probation/Parole Officer Notified
- ☐ Registered as sex-offender as required by state statute within 7 days
- ☐ Victim/Witness Coordinator Notified
- ☐ Victim/Witness Notified
- ☐ Written Proof of Counseling

Substance Abusers

- ☐ Probation/Parole Officer Notified
- ☐ Written Proof of Counseling

All Aliens

- ☐ Probation/Parole Officer Notified
- ☒ Obtain address where living and telephone number
- ☒ Enter into IDENT FINS#: 
- ☒ NCIC Check
- ☐ Travel Document Application
- ☐ Other: null

Completed By	
Deportation Officer: LENZE, M 8904 	Date 01/29/2026
Concurrence By	
Supervisory Detention and Deportation Officer: TEJEDA, K. 8859 	Date 01/29/2026

U.S. Department of Homeland Security

Continuation Page for Form I-220A

Alien's Name FATENKO, YAROSLAV	File Number XXXXXXXXXX	Date Jan 29, 2026
Event No: XXXXXXXXXX		
LOCATION OF ICE OFFICE WHICH YOU REPORT TO ----- 114 North 8th ST Philipsburg PA 19107 2-12-26 @ 10:00 A.M. I f moved: must file FOIR-33- ERO - must report in person.		
Signature LENZE, M 8904	Title Deportation Officer	

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U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. Date: 01/22/2026

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that FATENKO, YAROSLAV is removable from the United States. This determination is based upon:

- ☒ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☒ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☒ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.


(Signature of Authorized Immigration Officer)

POD 5132 J DPO
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at Philadelphia, PA
(Location)

on FATENKO, YAROSLAV on January 22, 2026, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the UKRAINIAN language.
(Language)

JORGE ADAMES

Deportation Officer 

Name and Signature of Officer

Name or Number of Interpreter (if applicable)