

District Judge Jamal N. Whitehead
Chief Magistrate Judge Theresa L. Fricke

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SERGEY P. KAZAKOV,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:25-cv-00352-JNW-TLF

GOVERNMENT'S REPLY IN SUPPORT
OF ITS RETURN MEMORANDUM AND
MOTION TO DISMISS

Noted for Consideration:
May 28, 2025

I. INTRODUCTION

This Court should grant Federal Respondents' motion to dismiss (Dkt. No. 11) because Petitioner Sergey Kazakov has not met his burden of demonstrating good reason to believe that there is no significant likelihood of his removal to Russia in the reasonably foreseeable future. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). U.S. Immigration and Customs Enforcement ("ICE") took custody of Kazakov after his release from a 22-month sentence. He was ordered removed from the United States on March 14, 2024.

Since that time, ICE has continued to make progress towards obtaining a travel document to effectuate his removal. While this process may be slow, it "does not undermine the conclusion that removal remains foreseeable." *Kazakov v. Garland*, No. 24-cv-00262-JHC-SKV, 2024 WL

GOVERNMENT'S REPLY IN SUPPORT OF ITS RETURN
MEMORANDUM AND MOTION TO DISMISS
[Case No. 2:25-cv-00352-JNW-TLF] - 1

UNITED STATES ATTORNEY
1201 PACIFIC AVE., STE. 700
TACOMA, WA 98402
(253) 428-3800

1 2819242 (W.D. Wash. May 10, 2024), *report and recommendation adopted*, No. 24-cv-00262-
2 JHC-SKV, 2024 WL 2818574 (W.D. Wash. June 3, 2024).

3 II. ARGUMENT

4 Kazakov has not demonstrated a good reason to believe that there is no significant
5 likelihood of his removal to Russia in the reasonably foreseeable future. If a noncitizen remains
6 in post-order detention after six months, the noncitizen has the burden to demonstrate a good
7 reason to believe that there is no significant likelihood of removal in the reasonably foreseeable
8 future. *Zadvydas*, 533 U.S. at 701. The Government “must respond with evidence sufficient to
9 rebut that showing.” *Id.* If the Government fails to rebut the noncitizen’s showing, the noncitizen
10 is entitled to habeas relief. *Id.* Kazakov has not met his burden.

11 His argument that “undisputed evidence shows that Russia will not grant Mr. Kazakov a
12 travel document in the reasonably foreseeable future” is unfounded and without support. Dkt. No.
13 14, Response, pg. 1. Although he asserts that “Russia has not interviewed Mr. Kazakov or given
14 any indication that it recognizes him as a citizen of that country,” he provides no evidence or
15 likelihood leading to a conclusion that removal is not foreseeable. *Id.*, pg. 2. Kazakov bases these
16 assertions on (1) generalized statistics related to Russian removals nationwide over recent years—
17 rather than any specific details related to Mr. Kazakov (Response, Ex. 1); and (2) his own belief
18 that Russia will not issue him a travel document. Response, pg. 3. Thus, the basis of Kazakov’s
19 assertion is speculative and vague, at best.

20 Furthermore, Kazakov’s assertion directly conflicts with the evidence here. As a
21 preliminary point, Russia has not denied the request for a travel document and the request remains
22 pending. *Dumo Decl.*, ¶¶ 12-18. Additionally, there is no support for Kazakov’s allegation that
23 “Russia does not meaningfully process such applications.” Response, at 4. As previously
24 described, ICE continues to work with the Russian Consulate to obtain the necessary travel

document. *Iddrisu v. Kelly*, No. 17-cv-00038 AFM, 2017 WL 11635015, at *2 (C.D. Cal. Mar. 27, 2017) (“Where the evidence shows that the target country has granted (or is merely reviewing or processing) an application for travel documents, federal habeas courts have repeatedly found that an alien has failed to provide a good reason to believe there is no significant likelihood of his removal in the reasonably foreseeable future.”).

III. CONCLUSION

For the foregoing reasons, Federal Respondents respectfully request that this Court deny the Petition and dismiss this matter in its entirety.

DATED this 28th day of May, 2025.

Respectfully submitted,

TEAL LUTHY MILLER
Acting United States Attorney

s/ Alixandria K. Morris
ALIXANDRIA K. MORRIS, TX #24095373

s/ Michelle R. Lambert
MICHELLE R. LAMBERT, NYS #4666657
Assistant United States Attorneys
United States Attorney's Office
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, Washington 98101
Phone: (206) 553-7970
Fax: (206) 553-4073
Email: alixandria.morris@usdoj.gov
Email: michelle.lambert@usdoj.gov

Attorneys for Federal Respondents

I certify that this memorandum contains 535 words, in compliance with the Local Civil Rules.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers.

I further certify on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

- 0 -

I further certify on this date, I arranged for service of the foregoing on the following non-CM/ECF participant(s), via Certified Mail with return receipt, postage prepaid, addressed as follows:

Sergey P. Kazakov, *Pro Se Petitioner*
A# XXX-
NW ICE Processing Center
1623 E. J Street, Suite 5
Tacoma, WA 98421-1615

DATED this 28th day of May, 2025.

s/ Hung Nguyen
HUNG NGUYEN, Paralegal Specialist
United States Attorney's Office
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Phone: 206-553-7970
Fax: 206-553-4073
Email: hung.nguyen@usdoj.gov