IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENIS TKACHEV, *Petitioner*, v. BRIAN MCSHANE, Field Office Director of Enforcement and Removal Operations, Philadelphia Field Office, Immigration and Customs Enforcement, *et al.*, *Respondents*.	Civil Action No. 26-2372

RESPONDENTS' FURTHER RESPONSE OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

On April 29, 2026, the Court ordered the parties to file supplemental information regarding: (1) "[t]he status of the Interpol warrant" referenced in the immigration record at Exhibit B to Respondents' Opposition (Doc. 7-2), and (2) "[t]he impact, if any, of the Interpol warrant on Petitioner's detention status and … bail for Petitioner." *See* Doc. 11. Respondents respectfully submit this supplemental brief in compliance with the Court's Order.

1. **Petitioner's detention is based on entry without inspection alone.**

As set forth in Respondents' Opposition (Doc. 6), Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2)(A). Petitioner's current detention is not predicated on criminal conduct, but on his entry into the United States without inspection. *See Matter of Q. Li,* 29 I&N Dec. 66 (BIA 2025). The reference to an Interpol notice in the underlying immigration record neither expands nor alters the governing statutory framework already invoked. Accordingly, respondents submit that the Interpol notice has no additional bearing on Petitioner's detention status.

Further, should the Court require additional information regarding the notice's status, Respondents respectfully request the opportunity to address appropriate means of providing such

information to the Court *in camera*, as needed. Information concerning Interpol Red Notices (*i.e.*, an international wanted person alert)[1] is maintained with law enforcement databases beyond Respondents' control and is not publicly available at this time beyond what has already been included in the immigration record (namely, its existence).

2. Petitioner's ineligibility for bail is based on entry without inspection.

For the same reasons discussed above, Petitioner is not entitled to a bond hearing. Because he is subject to mandatory detention under 8 U.S.C. §1225(b)(2)(A), he is ineligible for release on bond before an immigration judge. The presence of Interpol-related information in the immigration record does not impact that determination. Accordingly, in response to the Court's instruction that the parties address "whether there are any other provisions impacting detention and/or bail that apply to Tkachev based on the Interpol warrant" (Doc. 11, at n. 1), Respondents submit that no such provisions apply on the current record.

If, however, the Court determines that mandatory detention under §1225(b)(2) is not applicable, and orders a custody redetermination hearing for Petitioner, the presiding immigration judge would consider the full evidentiary record, including any relevant information in the immigration record, such as the existence of an Interpol notice. *See*, *e.g.*, *Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624, at *2 (3d Cir. Feb. 25, 2022) (explaining that a constitutionally adequate bond hearing requires fact-finding based on the record, an opportunity to present arguments, and an individualized determination). Petitioner would have opportunity to present evidence and argument. *Id.* Any challenges to the outcome of such bond hearing must be pursued through the administrative process before the Board of

[1] A Red Notice is "not an arrest warrant," but rather an "international wanted persons notice" issued at the request of a member country. *See* Interpol, *Red Notices*, https://www.interpol.int/en/How-we-work/Notices/Red-Notices (last visited May 4, 2026).

Immigration Appeals. *See id.* at *1 (considering petitioner's allegations that bond hearing failed to provide due process after petitioner exhausted his appeal to the BIA).

Accordingly, for these reasons, and those set forth in Respondents' Opposition (Doc. 6), Respondents respectfully request that the Court deny the petition for writ of habeas corpus.

Respectfully submitted,

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Dated: May 4, 2026

CERTIFICATE OF SERVICE

I certify that, on this date, I filed the foregoing Respondents' Further Response in Opposition to Petition for Writ of Habeas Corpus via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

May 4, 2026

/s/Monique Myatt Galloway
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