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

DENIS TKACHEV, *Petitioner,* v. **MCSHANE,** et al. *Respondents.*	Civil No.: 2:26-cv-2372

SUPPLEMENTAL BRIEF

Petitioner, Denis Tkachev ("Petitioner"), hereby files the instant brief in response to this Honorable Court's Order ("Supplemental Order") dated April 29, 2026. *See* ECF-11. In the Supplemental Order, the Court directed the parties to file supplemental information regarding:

1. The status of the INTERPOL warrant referenced in the Form I-213 documenting Petitioner's arrest. *See* ECF 7-2.;
2. The impact, if any, of the INTERPOL warrant on Petitioner's detention status; and
3. The impact, if any, of the INTERPOL warrant on bail for Petitioner.

See ECF-11.

I. INTRODUCTION

Petitioner is a citizen of Russia, who fled the country based mainly upon [redacted] *See* ECF-1, ¶¶ 47-48. [redacted] form the basis of Petitioner's pending Form I-589 Application for Asylum and Withholding of Removal. *Id* ¶ 49.

Petitioner entered the United States on January 31, 2024, and lived in here without issue until he was detained on April 9, 2026 by ICE authorities. Petitioner's arrest is documented by Form I-213. *See* ECF 7-2. Several times throughout the Form I-213, an active INTERPOL warrant for [redacted] *Id.* at pp. 3-4. The Form I-213 states that "Warrant is attached to [Petitioner's] file." *Id.* at p. 4.

On May 4, 2026, Respondents submitted a brief conceding that the INTERPOL Warrant does not affect Petitioner's detention status or eligibility for bail. *See* ECF-13 **Respondents have not submitted the INTERPOL warrant into evidence**, and have acknowledged to this Honorable Court that accessing the warrant is "beyond Respondents' control." *Id*. Respondents have conceded that "the Interpol notice has no additional bearing on Petitioner's detention status." *Id.* Respondents concede that no provisions applicable to the INTERPOL warrant have an impact on Petitioner's bail. *Id.*

Petitioner concurs that the INTERPOL warrant does not affect his detention status, nor his eligibility for bail.

II. PETITIONER SHOULD BE RELEASED IMMEDIATELY

In conducting due diligence into the existence of the INTERPOL warrant, both Petitioner and Petitioner's mother were contacted by undersigned counsel. Both have denied any knowledge of the existence of the warrant. As noted above – the warrant has not been produced by Respondents and is not publicly available on the INTERPOL database.

Without further evidence – Petitioner denies the existence of the INTERPOL warrant. To the extent that the Respondents may be able to obtain and produce the warrant, Petitioner maintains that the warrant is not based in fact. Petitioner argues that the warrant, should it exist [redacted] – which form the basis of his asylum claim.

Further, Petitioner submits the statement of his mother, Irina Galkina, as support for his claim. *See* **Exhibit A**. According to Ms. Galkina, Petitioner participated in the ISAP program and checked in regularly. *Id.* Petitioner was eventually advised that he would no longer have to participate in the ISAP program, evidencing that ICE deemed him to not be a flight risk. *Id.* Petitioner has lived with his mother the entire time he's resided in the United States. *Id*. The Form I-213 indicates that indeed, Petitioner was arrested outside of his residence. *See* ECF 7-2, p.2.

Petitioner's criminal record in Pennsylvania consists solely of traffic tickets. *See* **Exhibit B**. There is no evidence in the record that Petitioner ever committed any of the crimes he is accused of in the Form I-213. Respondents have failed to produce evidence of the INTERPOL warrant forming the basis of Petitioner's arrest. Form I-213 specifically notes the warrant is attached to Petitioner's file – yet it cannot be produced by Respondents. *See* ECF 7-2.

The record before the court includes, at best, unsubstantiated claims of drug trafficking. Petitioner has not been charged with any crimes beyond minor traffic offenses. *Exh. B.* Petitioner was previously in the ISAP program and complied with same without issue, there's no assertion in the Form I-213 to the contrary. *See also Exh. A*. Petitioner has a pending I-589 before the Immigration Court. *See* **Exhibit C** – *Receipt Notice***.** Petitioner was arrested outside his home, where he lives with his family and has resided the entire time he has lived within the United States. *Exh. A.*

To put it simply – there is absolutely no evidence Petitioner is a flight risk or a security threat so as to warrant his detention. Petitioner cannot comprehend how the INTERPOL warrant forming the basis of his detention was available to ICE in order to arrest and detain Petitioner, yet now is out of the Respondents' control. The record before this Honorable

Court indicates that Petitioner should be released from Respondents' custody immediately.

III. CONCLUSION

This Court should not correct Respondents' unlawful application of § 1225(b)(2) and detention of Petitioner by converting Petitioner's detention to a potentially lawful alternate form of detention under a different statute with different procedural requirements and rules. It is not the duty of the Court to *correct Respondents' unlawful actions*, rather it is the duty of the Court to rectify Petitioner's unlawful detention. Rectifying Petitioner's unlawful detention would be achieved only by immediate release.

The Supreme Court has recognized that "Habeas has traditionally been a means to secure *release* from unlawful detention." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107, 140 S.Ct. 1959, 207 L.Ed.2d 427 (2020) (emphasis in original). Several decisions from the Eastern District have ordered immediate release in similar cases. *See, e.g., Bhatia v. O'Neill, et al,* No. 25-6809, Dkt. 8 (E.D. Pa. Dec. 10, 2025); *Rodrigues Pereira v. O'Neill*, et al. No. 25-6543, Dkt. 11 (E.D. Pa. Dec. 8, 2025); *Morocho v. Jamison, et al*., No. 25-05930, 2025 WL 3296300, at *3 (E.D. Pa. Nov. 26, 2025); *Diallo v. O'Neill, et al.*, 25-06358, Dkt. 10 (E.D. Pa. Nov. 26, 2025); *Patel v. McShane, et al.,* 25-05975 (E.D. Pa. Nov. 20, 2025). The Court should not depart from this norm.

Dated: May 4, 2026

Respectfully Submitted,

s/ Conor Deane, Esq.
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CERTIFICATE OF SERVICE

I, Conor Deane, Esq. hereby certify that on May 4, 2026, I caused a true and correct copy of the attached Entry of Appearance to be served on the following person(s) at the following address(es) via the Court's CM/ECF electronic notification and service system and via email:

United States Attorney's Office

Dated: May 4, 2026

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