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' RESPONSE TO MOTION TO ENFORCE

Respondents submit this response to Petitioner's Denis Tkachev's Motion to Enforce, and his argument that his bond hearing on May 13, 2026, did not meet Due Process requirements, which he contends means this Court should therefore order his immediate release.

I. Relevant Background

On May 7, 2026, the Court ordered Respondents to provide Petitioner with a bond hearing before an immigration hearing judge, and directed the court to mark this case **closed**. *See* ECF No. 15. On May 13, 2026, in compliance with the Court's Order, a custody redetermination (bond) hearing occurred before the immigration court. *See* ECF No. 16, ¶ 5. An unverified transcript of the hearing is attached to this response as Exhibit A, and an audio file will be submitted to the Court.[1]

The Immigration Judge determined that Petitioner presents a "significant flight risk" and "danger to the community, and denied bond. *Id.*; *see also* Ex. A, at 8. Petitioner was provided the

[1] Petitioner's counsel raised no opposition to the submission to the Court of this unverified transcript, which was created through a combination of speech-to-text technology and human edits, and the audio file.

opportunity to appeal that decision, which expired June 12, 2026. *Id*. This case remains marked as closed.

On June 12, 2026, Petitioner filed the instant motion seeking enforcement of this Court's May 7th Order. ECF No. 16. The Court ordered Respondents to specifically address in their response "whether due process was afforded by the immigration judge at the bond hearing and the status of Petitioner's Interpol warrant, including its impact, if any on Petitioner's custody." ECF No. 18.

II. Discussion

A. Petitioner has not exhausted the administrative remedies available to him by virtue of his detention under 8 U.S.C. § 1226(a).

Petitioner's challenge to the immigration judge's denial of his bond request must be presented to the BIA for review in the first instance. *See*, *e.g.*, *Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624, at *1 (3d Cir. Feb. 25, 2022) (considering petitioner's allegations that bond hearing failed to provide due process after petitioner first exhausted his appeal to the BIA); *See Ubaid v. Jamison, et al.,* No. 26-CV-2681-JMY, 2026 WL 1346670, at *3 (E.D. Pa. May 14, 2026) ("Speculation that a claim is merely unlikely to prevail in the administrative process based on statistical trends does not make raising that claim futile. Thus, the merits of Petitioner's claims that he is being held in violation of federal law are no [sic] ripe for review."). Here, Petitioner was provided the opportunity to appeal that decision, which expired June 12, 2026. *See* Ex. A, at 8.

B. Petitioner's Bond Hearing Was Constitutionally Adequate

The record of the hearing confirms that the hearing comported with Due Process. A constitutionally adequate bond hearing requires that the individual seeking release: "(1) is entitled to factfinding based on a record produced before the decisionmaker and disclosed to him

or her; (2) must be allowed to make arguments on his or her own behalf; and (3) has the right to an individualized determination of his [or her] interests." *Ghanem*, No. 21-1908, 2022 WL 574624, at *2 (citation omitted). The bond hearing on May 13, 2026 satisfied each of these requirements. *See* Ex. A.

The record reflects that Petitioner had the opportunity to submit, and did submit, evidence before the bond hearing in support of his request for bond. *See* ECF No. 16, ¶ 24. At the hearing, Petitioner's counsel had the opportunity to present his arguments as to why Petitioner is not a flight risk. Ex. A, at 3-4. During the hearing, the Immigration Judge indicated that he considered the evidence Petitioner submitted and explained why he found Petitioner presents a flight risk, despite that evidence. *See* Ex. A, at 8. After considering that record, the immigration judge denied the bond, finding that Petitioner presents a "significant flight risk" and "danger to the community. ECF No. 16, ¶ 5; *see also* Ex. A, at 8. Petitioner nonetheless contends that the hearing was constitutionally deficient. *See* ECF 16, ¶ 28. Yet, Petitioner acknowledges that the immigration judge considered Petitioner's positive equities of his "fixed address" and business. *Id*., ¶ 24. In explaining his decision to deny bond, the Immigration Judge said:

> I don't find that you have a satisfactory number of equities to release [sic] Bond, and I find you'd be a significant flight risk. I also have concerns about the fact that you were founded a drug ridden neighborhood with things that lead me to believe you may be selling drugs. I'm going to order that you remain detained in ICE until the removal of, or until the, uh, conclusion of your case.

Ex. A, at 8. While Petitioner may disagree with the Immigration Judge's conclusion that he posed a flight risk, that disagreement is not sufficient to render the bond hearing unconstitutional. *Kamara*, 420 F.3d at 211 ("[T]he question for due process purposes is not whether the BIA reached the *correct* decision; rather, it is simply whether the Board made an individualized determination of [the petitioner's] interest.") (citation omitted).

Significantly, Petitioner identifies no actual due process violation. He does not, and cannot, claim that he was prevented from presenting evidence, that his counsel was unable to make arguments, or that he was denied an individualized determination. On the contrary, Petitioner admits that each of these procedural safeguards was afforded. Though he attempts to deny it, Petitioner's disagreement is instead with the weight the immigration judge assigned to the evidence and arguments presented.

That disagreement does not render the proceeding unconstitutional. While Petitioner may contest the immigration judge's conclusion regarding flight risk, that challenge is properly directed to the BIA, not this Court. As reflected in Petitioner's own account, the immigration judge considered the evidence and issued a determination based on that record. *See Kumar v. Rose, et al.*, No. 2:26-cv-00155, Order (ECF No. 11) (E.D. Pa. Feb. 23, 2026) (Slomsky, J.) ("Petitioner's Motion to Enforce … will be denied for two reasons: (1) this Court lacks jurisdiction to overturn the decision rendered by the immigration judge on February 9, 2026 and (2) Petitioner has not demonstrated the bond hearing was so fundamentally unfair as to deprive him of due process.")

Petitioner seems to argue that he need not exhaust his administrative remedies by appealing to the BIA because those administrative remedies would be futile. However, another Court in this district has already considered and rejected this argument in denying a habeas petition for an individual detained under 8 U.S.C. § 1226(a):

> Here, Petitioner makes no argument that he has exhausted his administrative remedies. Instead, he argues that pursuing the prescribed administrative appeals process would be futile because those processes are *unlikely* to afford him the relief he seeks. Specifically, Petitioner alludes to a "growing trend" of immigration courts denying bond and cites statistics that bond is only granted 27.8% of the time nationwide. ECF No. 8-1 at 3–4. Thus, Petitioner argues, he is facing a "one in five chance" of having his bond granted if he pursues the remedies he is afforded by statute, not to mention the additional months he will be detained if the bond decision

> is appealed. *Id.* Spurious math aside, Petitioner's argument is facially untenable. Speculation that a claim is merely unlikely to prevail in the administrative process based on statistical trends does not make raising that claim futile. Thus, the merits of Petitioner's claims that he is being held in violation of federal law are no [sic] ripe for review.

Ubaid, 2026 WL 1346670, at * 3 (emphasis in original). Therefore, as Petitioner has not exhausted his administrative remedies and instead seeks to avoid BIA review through allegations of a defective bond hearing, the Court should deny the Petition and allow the BIA to hear Petitioner's claim.

Numerous courts, including the Supreme Court, have looked favorably on the administrative procedures governing section 1226(a). For example, the Third Circuit Court of Appeals rejected a due process challenge to detention under section 1226(a). *See Borbot v. Warden Hudson Cty. Corr. Facility*, 906 F.3d 274 (3d Cir. 2018). In *Borbot*, a habeas petitioner argued that, based on the *length* of his detention under section 1226(a)—of more than one year—he was constitutionally entitled to a second bond hearing at which the Government would bear the burden of proof. *Id*. at 276–77. The Third Circuit rejected petitioner's argument, which relied on cases involving prolonged detention under the mandatory detention statute, 8 U.S.C. § 1226(c). The court there noted that, "unlike § 1226(c) detainees . . . who were detained for prolonged periods without being given any opportunity to apply for release on bond, [petitioner] *was granted meaningful process* prior to filing his habeas petition." *Id*. at 279 (emphasis added).

The individual in *Borbot* predicated his challenge to § 1226(a) on the length of his detention and did not take issue with his initial bond hearing. The Third Circuit's central holding was that no additional procedures were required because the existing procedures for bond hearings under § 1226(a) are constitutionally adequate. 906 F.3d at 278–29. The Court specifically noted that "Borbot was afforded a prompt bond hearing, *as required by § 1226(a)*

and its implementing regulations," and it was on this basis that the court concluded he was "granted meaningful process." *Id*. (emphasis added). *Borbot* thus stands for the proposition that section 1226(a) and its implementing regulations fully satisfy the requirements of due process.

Here, in detaining Petitioner under § 1226(a), Petitioner is afforded the same type of process that was afforded the petitioner in *Barbot,* and which the Third Circuit in *Barbot* found to be constitutionally adequate. Moreover, Petitioner's detention is not prolonged, as he has been detained since April 7, 2026. *See Contant v. Holder*, 352 Fed. Appx. 692 (3d Cir. 2009) (affirming denial of a petitioner's habeas petition where he had received process under 8 U.S.C. § 1226(a) and his 19 months' detention was not overly prolonged). Therefore, because Petitioner's detention under § 1226(a) comports with constitutional due process, the Court should deny the petition. *See Guaman Guerrero,* Case No. 2:25-cv-06974, Order (ECF No. 8) (E.D. Pa. Jan. 27, 2026) (Gallagher, J.) (denying habeas petition challenging the constitutional adequacy of a bond hearing under 8 U.S.C. § 1226(a)); *Navarro v. Warden*, No. 2:26-cv-00305, Order (ECF No. 10) (E.D. Pa. March, 30, 2026) (Slomsky, J.) (denying motion to enforce that challenged bond hearing on due process grounds, noting that "while [p]etitioner may disagree with the outcome of the bond hearing, such disagreement does not mean [p]etitioner's due process rights were violated). Indeed, Petitioner Tkachev "acknowledges that federal courts do not have jurisdiction to review an Immigration Judge's discretionary determination to grant or deny bond in any specific case. *Zheng v. Rokosky*, No. 26-CV-01689, 2026 WL 800203, at *3 (D.N.J. Mar. 23, 2026)). *See* ECF No. 16, ¶ 21. For these reasons, Respondents respectfully submit that no further action by the Court is required at this time and Petitioner's motion to enforce should be denied.

C. Interpol Status Has No Impact on Petitioner's Custody

Further, Petitioner's 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 continues to neither expand nor alter the governing statutory framework already invoked. Nor is Petitioner's custody impacted by the status of an Interpol warrant. *See* Ex. A, at 6-7 (counsel for the parties and the Immigration Judge noting during the bond hearing the existence of an Interpol warrant in the I-213 that "may or may not be active"). Accordingly, respondents submit that the Interpol notice has no additional bearing on Petitioner's detention status.[2]

Accordingly, for these reasons, Petitioner's motion to enforce should be denied.

Respectfully submitted,

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Counsel for Respondents

Dated: June 18, 2026

[2] Should the Court require additional information regarding the notice's status (e.g., active or inactive), Respondents respectfully request the opportunity to address appropriate means of providing such information to the Court *in camera*, as needed. Information concerning the status of Interpol Red Notices (*i.e.*, an international wanted person alert) 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).

CERTIFICATE OF SERVICE

I certify that, on this date, I caused a true and correct copy of the foregoing Response to Motion to Enforce to be filed electronically via the Court's CM/ECF System, which will serve notice on all counsel of record.

June 18, 2026

/s/Monique Myatt Galloway
MONIQUE MYATT GALLOWAY
Assistant United States Attorney

Exhibit A

Evidence Title: CUsersJSander2OneDrive - Immigration and Customs Enforcement Documents3_Bond Audio Tkachev [redacted]_2026-05-1300440044.wav

This transcript is unverified.

****An unverified transcript may have been generated through a combination of speech-to-text technology and human edits. As a result, it may contain errors, so please refer to the corresponding evidence.****

Speaker Legend
[**SPEAKER 1**: John Staples, Esq., Counsel for ICE]
[**SPEAKER 2**: Immigration Judge Dennis Ryans, Newark, New Jersey]
[**SPEAKER 3**: Mana Aliabadi, Esq., Counsel for Tkechev]
[**SPEAKER 4**: Denise Cacho (Russian Translator)]
[**SPEAKER 5**: Denis Tkachev]

[00:01] **Speaker 1 [Counsel for ICE]**- Sure

[00:01] **Speaker 2 [IJ]** - We're on the record. This is US Immigration Judge Dennis Ryans at the Newark, New Jersey Immigration Court covering the Elizabeth Moshan detained Docket on 5 13 2026 in the matter of [redacted] The these are bond custody termination proceedings. The respondent's currently detained at Moshannon, appearing via WebEx VTC before the immigration court is represented by counsel. Counsel state your appearance.

[00:23] **Speaker 3 [Counsel for Tkachev]** - Should, this is Mana Alibadi for the respondent.

[00:25] **Speaker 2 [IJ]** - Thank You. On behalf of the government, I have Mr. John Staples. I also have a Russian interpreter, uh, to the Russian interpreter. If you could raise your right hand. Do you swear or affirm your contact Transl from Russian to English and English to Russian. And you'll do swear, act and complete your tape to the best of your ability.

[00:38] **Speaker 4 [Translator]** - I do

[00:38] **Speaker 2 [IJ]** - Thank you to the respondent through the interpreter. Sir, can you confirm your name and Russians your best language?

[00:56] **Speaker 4 [Translator]** - My name is Denise Cacho. I do speak Russian.

[00:58] **Speaker 2 [IJ]** - Thank you. And just to confirm, Ms. Elliots, your attorney and she's authorized to speak and represent you in this bond hearing today. Is that correct?

[01:04] **Speaker 4 [Translator]** - Uh,

[01:18] **Speaker 5 [Tkachev]** - Is correct.

[01:21] **Speaker 4 [Translator]** - It's correct in both languages.

[01:23] **Speaker 2 [IJ]** - Alright. And just to confirm, um, I'm gonna hear arguments from your attorney, the government attorney with respect to the bond request you've made. If I have any questions, I'll let you know. Okay.

[01:31] **Speaker 4 [Translator]** - As

[01:41] **Speaker 5 [Tkachev]** - Yep. Alright.

[01:42] **Speaker 2 [IJ]** - Counsels, the exhibits are marked as to our interpreter. Just stand by for me please. Thank you.

[01:46] **Speaker 4 [Translator]** - Yes, your honor.

[01:47] **Speaker 2 [IJ]** - Counsels, the exhibits are marked as well as exhibit number one is the bond, uh, order directing a bond hearing to be held two A and two B are going to be the respondent's evidence, part one and part two. And exhibit number three is gonna be the IOT 13. Is there anything I'm missing by either side?

[02:02] **Speaker 1 [Counsel for ICE]** - Nothing from the government, honor.

[02:03] **Speaker 2 [IJ]** - Okay. Any objection to anything I've marked or no?

[02:07] **Speaker 1 [Counsel for ICE]** - No, your Honor.

[02:08] **Speaker 2 [IJ]** - Okay. There being no objections at all. Evidence is going to be admitted then into the evidentiary record. Um, there's no jurisdictional issue, so I'm gonna turn to Ms. Aliabadi whenever you're ready. You're welcome to go ahead.

[02:17] **Speaker 3 [Counsel for Tkachev]** - Okay. Thank you so much, your Honor. Um, first regarding flight risk, uh, Mr. Tkachev does not present a flight risk. Um, he does have a fixed address at 1[redacted] in Philadelphia. He's lived there since his entry in the United States. That's the address he's reported to ICE. Um, and, you know, he can continue to live there again, should he be re uh, released from custody. Um, he also lives there alongside his mother, his stepfather, and his brother who are all inside the United States at this time. And, your honor, the fixed address history, and then the letter confirming his res residence from his landlord. Um, they're both attached at tabs L through T and then tab A D since his entry in the United States in 2024, Mr. Tkachev has lived here continuously. Again. He recently turned 21 years old, so he's quite young, but he maintains very strong family and community ties here again through his mother stepfather, his brother, and many US citizen and lawful permanent resident friends and fellow community members in Philadelphia who have, you know, written their letters of support and who, uh, vouch for him here in the United States.

[03:30] Mr. Tkachev has also dutifully filed his taxes and he's obtained lawful work authorization here. He earns money by reselling clothes on eBay and other online reselling platforms, and he pays taxes on that small business that he has started here. Your Honor, the work permit and the tax return are attached to tab C and L. Importantly, Mr. Tkachev has a pending and timely filed 5 89 application for asylum before the court. And this application, in summary, is based on his detention and violence at [redacted] which was inflicted upon him due to [redacted] Uh, he suffered past persecution and he does have a well-founded fear of future persecution due to the current [redacted] And therefore we believe that he has a viable path to asylum, um, and or withholding of removal in the foreseeable future.

[04:27] Uh, your Honor, the 5 89 application that was filed, I believe pro se, and then, uh, resubmitted by prior counsel, and the receipt notices are attached to tabs I through K. So for all these reasons, we, we hold that Mr. Tkachev is not a flight risk and he's likely to appear for any and all future hearings. Um, uh, and lastly, he was on the alternative to detentions program. Um, and he had a history of appearing for, uh, all of his check-ins to the point where ICE took him off that program. Um, seeing that, you know, he, he was certainly not a flight risk and he was complying with all his requirements set forth by ICE and the

court. Um, second, regarding danger to the community. Uh, Mr. Tkachev doesn't have any criminal convictions or is arrests for any criminal issues in the United States, apart from his arrest by ICE outside his home in April, 2026.

[05:22] Um, so he was improving his English, he was preparing for his entrance exams into community college in Philadelphia when ICE did arrest him at that time, he has good moral character and he's shown that he's not a danger to the community. He's, he's quite young again, and he, you know, is trying to find his way in America and work hard while he's pursuing his asylum claim as business. Right. Um, he's also diligently filed taxes since he's arrived here. And, um, all the letters of support discuss his admirable qualities as a quiet, athletic, non-smoker, non-drinker, and just the general valued member of his community and his, um, extended family. So for all these reasons, your Honor, we hold that he's not a danger to the community. Um, he also has a lawful permanent resident family friend who knows his mother quite well, and him by that extent quite well, who's agreed to pay his bond.

[06:16] Um, if, you know, a bond amount is set in his case, and she has demonstrated her financial ability to do so. That bond sponsor letter and the financial information are attached at tabs H and then separately AE and AF. Um, so for all these reasons, your Honor, we ask that, um, he be afforded to chance to be reunited with his family while, you know, continuing on his journey to seek asylum in the United States and any potential flight risk that Your Honor sees fit, can be mitigated with the setting of a reasonable bond amount. Thank you.

[06:53] **Speaker 2 [IJ]** - DHS you're welcome to guide.

[06:55] **Speaker 1 [Counsel for ICE]** - Thank you, your Honor. Um, well, the respondent has not been in the US for, uh, that long. I believe he's been on in here for a little over two years. So, um, he may have some context in the US but I, I don't believe he has strong, um, long ties here. Um, he also traveled through Mexico and Cuba. He never applied for asylum when he was in Mexico. Um, and he came to the us I looked at his 5 89, and it, it looks like, uh, he claims that [redacted] concerned about that. Um, obviously if that was true, that's, you know, that's a strong case, but if he's involved in drugs, then he's a criminal. Um, so, um, I would be concerned that the respondent would, would, uh, report for removal if he's

ultimately denied, um, relief, uh, your Honor. And I would say that he's a risk of flight in this case. Your Honor.

[08:13] **Speaker 3 [Counsel for Tkachev]** - Your Honor, may I briefly respond to that?

[08:14] **Speaker 2 [IJ]** - Yeah. Can you explain why he's hanging out in the Kensington area of Philadelphia, which is a notorious drug dent operation, uh, that, that area, and he's also involved with large amounts of cash at bat. Can you explain why your client has all the indicia of being a drug dealer?

[08:29] **Speaker 3 [Counsel for Tkachev]** - Um, your Honor, I, I'm aware of the information that appears on its face derogatory, but, um, our position is that, you know, everything presented in the I-213 has no probative value whatsoever. Um, so essentially he consented to a search of his car. He lives in northeast Philadelphia, and that's approximately where Kensington is. So it would be natural that he would frequently drive through there. I've personally driven through there by, you know, just passing through. So I don't think just because he was there makes him a criminal or some kind of, um, associates him with drugs in any way regardless. He did consent to, um, the officers searching his car. They didn't find any drugs. All they found were air fresheners, a base baseball bat, and an unspecified amount of cash. I don't see the amount in there. Again, none of the things are crimes.

[09:20] Um, your Honor. So I, I, uh, on its face, the way this is presented, it, it makes him out to be, um, you know, something that he's not, and there's no factual basis for the assertions in the I-213 or the officer's observation. Um, so I mean, I, if there was anything, I'm, I'm sure the, the US government has all the resources to provide evidence of, of anything that was material, any material evidence found tying him to drugs. But I, I really don't see that here, your Honor. So I would respectfully disagree, um, with the contentions made in the I-213, um, they're just all mere speculation without reference to anything in the record. Um, so, uh, that's just my point about the I-213, but I can also, um, address, uh, DHS's points as well.

[10:09] **Speaker 2 [IJ]** - Does he live at the [redacted] Pennsylvania or [redacted] address?

[10:15] **Speaker 3 [Counsel for Tkachev]** - Yes, your Honor. [redacted]

[10:19] **Speaker 2 [IJ]** - Okay. That has no, that's nowhere near Kensington. That's 17 miles away. So why are you telling me he lives in Kensington? That's even more suspicious now?

[10:27] **Speaker 3 [Counsel for Tkachev]** - I did not say it, your Honor. Respectfully, I didn't say he lived in Kensington. I said he lives in northeast Philadelphia, which is where Kensington is Northeast. Philadelphia's a big area, but

[10:35] **Speaker 2 [IJ]** - No, they're nowhere. They're no, they're nowhere near each other. They're nowhere. They're nowhere near each other. They're 18, 17, or 18 miles away.

[10:46] **Speaker 3 [Counsel for Tkachev]** - Okay. I mean, your Honor, he was just driving through there. I don't see what crime has been committed by driving through a bad neighborhood. There are plenty of them. Well, he

[10:53] **Speaker 2 [IJ]** - Has an Interpol warrant. He has an Interpol warrant for drugs in, in, in Russia.

[10:57] **Speaker 1 [Counsel for ICE]** - Sir, your, your Honor, I, I, I have to, um, I I just wanna make record clear and, and, uh, I should have made it earlier. I don't know, appar, apparently, uh, one of the trial attorneys researched this just a week ago, and apparently we, we could not find the Interpol warrant. Um, so at this point, I can't confirm that there is a Interpol warrant. I just wanna let the court and counsel know that.

[11:27] **Speaker 3 [Counsel for Tkachev]** - Thank you, Mr. Staple. And I searched for it myself, um, on their database. These are publicly available. We couldn't find it. So I, I don't believe that it exists. We have no reason to believe that it exists. So again, everything in the I-213 is mere speculation. Um, so I, I don't think it should be giving any weight whatsoever. Um, the evidence states that he's, he's been compliant, um, with his check-ins. He has no criminal convictions or arrests here. So I don't think there's anything showing that he is a danger, your Honor,

[11:58] **Speaker 2 [IJ]** - Does anyone in his immediate family have status here or no?

[12:02] **Speaker 3 [Counsel for Tkachev]** - Uh, no, your Honor. They're all asylum seekers.

[12:05] **Speaker 2 [IJ]** - And they all entered without inspection. No one entered on Visa, right?

[12:09] **Speaker 3 [Counsel for Tkachev]** - I don't know, uh, that information. Okay.

[12:14] **Speaker 2 [IJ]** - He's not married. I'm assuming he's young, but he's not married, right?

[12:17] **Speaker 3 [Counsel for Tkachev]** - He is not married.

[12:18] **Speaker 2 [IJ]** - No US citizen kids.

[12:20] **Speaker 3 [Counsel for Tkachev]** - No children. Okay.

[12:22] **Speaker 2 [IJ]** - Um, as a threshold issue, the court's gonna find that the court has jurisdiction to consider the respondent's, uh, bond based on the federal habeas order, uh, under 1226 A. I've heard arguments from both sides regarding the danger issue. I have immense concerns about the fact that the respondent's a drug ridden neighborhood with classic indicia of what appear to be distribution of narcotics with a bat. Um, while he wasn't found with drugs, he was found with large amounts of cash, he was found with a bat, he was found with, um, items that ordinarily would be carried by someone who is dealing in drugs. And I understand that their Interpol warrant may not be active at this moment, but at this stage, um, I have that in the I-213, whether or not that is in existence or was in existence at one point. I have concerns about the fact that the respondent was, um, in an area that's very drug ridden, um, and significantly far from his home.

[13:13] I don't find that there's enough here to show that he's not a danger to the community. So I'm gonna weigh that against him when a church de gura factors. Should a reviewing court disagree with the danger analysis, I would find that the respondent has not shown that he is a, um, a person that merits bond. He otherwise has very limited ties to the United States and the fact that no one in his nuclear family has any status here. He's only been here for a few years. He entered without inspection. Whether or not his application is going to be successful or not remains to be seen. However, all the factors here point to the respondent not having any significant ties to the United States. So I'm gonna find that the Greer factors have not been met to the court satisfaction. Bond is gonna be denied. June 12th is the appeal. The counsel, I'll let him know how to do that in a second. DHS waiving or reserving?

[14:29]**Speaker 1 [Counsel for ICE]** - We waive, your Honor.

[14:30] **Speaker 2 [IJ]** - Sir, I'm gonna find unfortunately that you're not eligible for Bond. Based on my consideration of the arguments that I've heard from both your attorney and the government attorney,

[14:31] I don't find that you have a satisfactory number of equities to release Sean Bond, and I find you'd be a significant flight risk. I also have concerns about the fact that you were founded a drug ridden neighborhood with things that lead me to believe you may be selling drugs. I'm going to order that you remain detained in ICE until the removal of, or until the, uh, conclusion of your case. Your attorney can walk you through the appeal process. June 12th is the appeal date. All right. Would there be nothing else further for the bond record? We state adjourned to me off the record.

/// /// ///

Transcript 2

Evidence Title: CUsersJSander2OneDrive - Immigration and Customs EnforcementDocuments3_Bond Audio Tkachev [redacted]2026-05-2800220022.wav

This transcript is unverified.

****An unverified transcript may have been generated through a combination of speech-to-text technology and human edits. As a result, it may contain errors, so please refer to the corresponding evidence.****

Speaker Legend
[**SPEAKER 1**: Immigration Judge Marcus Peria, Baltimore, Maryland]
[**SPEAKER 2**: Lena Duiker Esq., Counsel for Tkechev]
[**SPEAKER 3**: Victor Frederick, Counsel for ICE]

[00:00] **Speaker 1 [IJ]** - Alright, we are on the record in the case of Dennis, uh, Tkachev. Uh, a number is, uh, [redacted] This is Immigration Judge Marcus Peria presiding at the Immigration Court in Baltimore, Maryland. Uh, counsel, can you please, uh, introduce yourselves for the record?

[00:19] **Speaker 2 [Counsel for Tkechev]** - Lena Duiker from Paladino Casazza.

[00:22] **Speaker 3 [Counsel for ICE]** - Victor Frederick and Corina Snell, uh, for the respondent, your Honor.

[00:27] **Speaker 1 [IJ]** - Alright, and go ahead. D uh, DHS

[00:31] **Speaker 3 [Counsel for ICE]** - Victor Frederick for the department.

[00:33] **Speaker 1 [IJ]** - Alright, so, um, there was a, uh, uh, withdrawal motion and a substitution which was granted in the case, correct? Um, yep. Here we go. Um, counsel, you said there was, um, who was the person who was withdrawing or substituting?

[00:52] **Speaker 2 [Counsel for Tkechev]** - Uh, Mana Aliabadi is withdrawing and then I believe Karina Chanel, uh, sorry if I'm mispronouncing your name. <laugh>.

[01:00] **Speaker 3 [Counsel for ICE]** - I'm the new counsel, your Honor.

[01:01] **Speaker 1 [IJ]** - Okay. You're the new counsel. Thank you. Okay. Yep. Uh, see that. Okay. That has been granted, so, um, you can let her know. That's fine. Alright, so let's, uh,

[01:11] **Speaker 2 [Counsel for Tkechev]** - All right. Thank you very much.

[01:12] **Speaker 1 [IJ]** - No problem. Hey, but don't go anywhere 'cause remember we got the other case. Um, so, alright, so

[01:17] **Speaker 3 [Counsel for ICE]** - I'm still here. Yes.

[01:18] **Speaker 1 [IJ]** - Alright, so pleadings have already been taken. Russia was designated and then there was an a requirement for an updated relief application that it be filed. I do have an updated relief application. Lemme just take a look and make sure that it is,

[01:30] **Speaker 3 [Counsel for ICE]** - Your Honor, it was filed. It's still pending.

[01:33] **Speaker 1 [IJ]** - Um, okay. Actually no, I think it looks like it's, yeah,

[01:39] **Speaker 3 [Counsel for ICE]** - It's

[01:39] **Speaker 1 [IJ]** - Accepted. Yeah, I've got one. All right. This is good. So we can set this over from s right,

[01:44] **Speaker 3 [Counsel for ICE]** - Right.

[01:44] **Speaker 1 [IJ]** - Alright, so counsel I can give you, um, uh, June 8th, 2026 at 8:30 AM Is that an agreeable date and time?

[01:56] **Speaker 3 [Counsel for ICE]** - Yes, your Honor.

[01:58] **Speaker 1 [IJ]** - Okay. Alright. Uh, anything from the department?

[02:04] **Speaker 3 [Counsel for ICE]** - No, your Honor. Alright,

[02:05] **Speaker 1 [IJ]** - We're off the record. Alright, thank you.

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Transcript 3

Evidence Title: CUsersJSander2OneDrive - Immigration and Customs EnforcementDocuments3_Bond Audios Tkachev [redacted]_2026-05-1300450045.wav

This transcript is unverified.

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Speaker Legend
[**SPEAKER 1**: Denis Tkachev]
[**SPEAKER 2**: Immigration Judge Dennis Ryans, Newark, New Jersey]
[**SPEAKER 3**: Mana Aliabadi, Esq., Counsel for Tkechev]
[**SPEAKER 4**: Denise Cacho (Russian Translator)]

[00:00] **Speaker 1 [Tkachev]** - Thank you, your Honor.

[00:01] **Speaker 2 [IJ]** - We're on the record. This is US Immigration Judge Dennis Ryans at the Newark, New Jersey Immigration Court covering the Elizabeth Moshan detained docket on 5 13 2026 in the matter of removal proceedings for [redacted] [redacted] The respondent's currently detained at Moshannon appearing by WebEx VTC before the Immigration Court. He is represented by counsel. Counsel, state your appearance please.

[00:20] **Speaker 3 [Counsel for Tkechev]** - Yes, this is Mana Aliabadi for the respondent.

[00:22] **Speaker 2 [IJ]** - Thank you. On behalf of the government, I have Mr. John Staples. I also have a sworn in Russian interpreter who's already on the line, who was um, sworn in earlier during the bond hearing. Sir, state your name once again.

[00:38] **Speaker 4 [Translator]** - Denise Cacho.

[00:39] **Speaker 3 [Counsel for Tkechev]**- <inaudible>.

[00:41] **Speaker 2 [IJ]** - Thank you. And just to confirm, your attorneys authorized to speak and represent you now in the removal case as well. Is that right?

[01:03] **Speaker 1 [Tkachev]** - Yes.

[01:03] **Speaker 2 [IJ]** - All right. Stand for me. I'll be right back with you counsel. I have, um, the notice to appear gonna be marked as exhibit number one. Written pleadings are gonna be marked as exhibit number two. Um, the court notes in the written pleadings that the respondent is conceding the fact or the notice to appear, uh, that the notice to appear is properly filed. Admit the factual allegations conceded in admissibility under 2 1 2 a six I and respectfully declined to designate country of removal. Accordingly, the court's gonna find the respondent inadmissible as charged and will designate Russia as the country of removal should that ever become necessary. Um, counsel, you have a relief application that's on file here. Are you ready for an individual hearing?

[01:50] **Speaker 3 [Counsel for Tkechev]**- Uh, your Honor, since our motion to substitute was just granted yesterday, and I think this is his first detained master, could we please get more prep time to update that 5 89 application Sure. And gather more evidence?

[02:03] **Speaker 2 [IJ]** - Yep. I'm gonna put you down for June 1st at one o'clock in the afternoon.

[02:07] **Speaker 3 [Counsel for Tkechev]**- Okay. All right. Thank you.

[02:09] **Speaker 2 [IJ]** - So we're gonna reset your case to June 1st at uh, one o'clock in the afternoon for you to update your relief application and work on gathering any corroborating documents with your attorney.

[02:35] **Speaker 4 [Translator]** - Okay?

[02:35] **Speaker 2 [IJ]** - There'd be nothing else further. We're gonna stand adjourn Coto two me, off the record.

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