

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Selioutsky v. English

No. 3:26cv307 DRL-SJF · No. No. 3:26cv307 DRL-SJF · Decided May 4, 2026

SUMMARY

The United States District Court for the Northern District of Indiana grants Boris Selioutsky’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. Applying *Zadvydas v. Davis*, the court concludes that the government failed to show a significant likelihood that his removal to Russia would occur in the reasonably foreseeable future. The court orders his release under the conditions of supervised release that existed before his re-detention.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Damon R. Leichty
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	May 4, 2026
DOCKET	No. 3:26cv307 DRL-SJF
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging post-removal-order immigration detention.
STANDARD OF REVIEW	The habeas court independently determines whether detention exceeds the period reasonably necessary to secure removal. The petitioner bears the initial burden of showing good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future; the government must then provide sufficient evidence to rebut that showing.
PRECEDENTIAL VALUE	Unknown; United States district court opinion
PARTIES	Boris Selioutsky v. Bryan English

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- due process
- procedural due process

PRACTICE AREAS

immigration

federal habeas corpus

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether the district court had subject matter jurisdiction under 28 U.S.C. § 2241 to review Selioutsky's post-removal-order detention despite 8 U.S.C. §§ 1252(g) and 1252(b)(9).
2. Whether Selioutsky's continued detention under 8 U.S.C. § 1231(a)(6) exceeded the period reasonably necessary to secure his removal under *Zadvydas v. Davis*.
3. Whether the government's representation that it was working to obtain Russian travel documents rebutted Selioutsky's showing that there was no significant likelihood of removal in the reasonably foreseeable future.

HOLDINGS

1. The district court had jurisdiction under § 2241 to review Selioutsky's post-removal-order immigration detention.
2. Detention of a present-but-ordered-removed noncitizen under § 1231(a)(6) is limited to the period reasonably necessary to effectuate removal and is not authorized once removal is no longer reasonably foreseeable.
3. After a detained noncitizen has been held beyond six months and provides good reason to believe that removal is not significantly likely in the reasonably foreseeable future, the government must rebut that showing with sufficient evidence.
4. Selioutsky was entitled to release under *Zadvydas* because the government failed to demonstrate a significant likelihood that his removal to Russia would occur in the reasonably foreseeable future.

KEY QUOTATIONS

“In short, “once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.””

“The court finds that Mr. Selioutsky has met his preliminary burden of showing good reason to believe that there is no significant likelihood of his removal to Russia in the reasonably foreseeable future.”

*“Therefore, the respondent must release Mr. Selioutsky under *Zadvydas*.”*

FACTUAL BACKGROUND

Selioutsky entered the United States in 1991 and was convicted of a federal crime in 2004. An immigration judge ordered him removed in 2006, but ICE released him on orders of supervision in 2007 and 2008 because it could not obtain travel documents from Russia. ICE detained him again on October 10, 2025, and, after more than six months of detention, the government represented only that it was working to obtain travel documents for removal to Russia. The court found that the government had not shown a significant likelihood of removal in the reasonably foreseeable future.

PROCEDURAL HISTORY

Boris Selioutsky filed a pro se § 2241 habeas petition alleging that his immigration detention violated federal law and the Constitution. The respondent answered, and Selioutsky filed a reply. The district court rejected the respondent's jurisdictional challenge, found that Selioutsky had shown good reason to believe that removal was not significantly likely in the reasonably foreseeable future, and concluded that the respondent's evidence was insufficient to rebut that showing.

DISPOSITION

writ_granted

CASES CITED

- Liang v. English, No. 3:25cv1052, 2026 WL 835853 (N.D. Ind. Mar. 26, 2026)
- Zadvydas v. Davis, 533 U.S. 678 (2001)
- Clark v. Suarez Martinez, 543 U.S. 371 (2005)
- Skaftouros v. United States, 667 F.3d 144 (2d Cir. 2011)
- Espinoza v. Sabol, 558 F.3d 83 (1st Cir. 2009)
- Vu v. English, No. 3:25cv999, 2026 WL 194171 (N.D. Ind. Jan. 26, 2026)
- Kem v. Noem, No. 3:25cv997, 2026 WL 100566 (N.D. Ind. Jan. 14, 2026)

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