

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Ivan Chekhovskii v. Bruce Scott, et al.

Chekhovskii · No. 2:25-cv-02550-JLR-TLF · Decided December 17, 2025

SUMMARY

The United States District Court for the Western District of Washington issues an order governing the response schedule for Ivan Chekhovskii’s 28 U.S.C. § 2241 habeas petition. Respondents must file a return by December 30, 2025, and the petitioner’s traverse is due January 6, 2026. The order also requires notice before any transfer or removal, restricts transfer outside the district while the case is pending, and addresses consent to magistrate judge jurisdiction.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Theresa L. Fricke
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 17, 2025
DOCKET	2:25-cv-02550-JLR-TLF
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a 28 U.S.C. § 2241 petition for a writ of habeas corpus. The court issued an order directing respondents to file a return, setting a briefing schedule, requiring service, and temporarily restricting transfer of petitioner outside the Western District of Washington while the habeas proceeding is pending.
STANDARD OF REVIEW	The court reviewed the § 2241 petition and the circumstances of the case to determine the appropriate deadline for respondents' return; no appellate standard of review was applied.
PRECEDENTIAL VALUE	Nonprecedential procedural order

TOPICS

- federal habeas corpus
- immigration detention
- removal proceedings
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court may exercise discretion to set the deadline for respondents' return to a § 2241 habeas petition.
2. Whether the court should require respondents to provide advance notice of any transfer or removal of petitioner and temporarily prohibit transfer to a facility outside the Western District of Washington.
3. Whether the parties may consent to the jurisdiction of a United States Magistrate Judge under 28 U.S.C. § 636(c)(2) and Federal Rule of Civil Procedure 73(b).

HOLDINGS

1. A federal court has discretion to determine when a return or other response to a § 2241 habeas petition is due, based on the allegations and circumstances of the particular case.
2. Respondents must provide petitioner and counsel advance notice before moving or transferring petitioner from the Northwest Immigration and Customs Enforcement Processing Center or removing him from the United States, and respondents may not transfer petitioner to custody in a facility outside the Western District of Washington while the case is pending.
3. A magistrate judge may exercise jurisdiction over the entire case through judgment only if all parties voluntarily consent; absent unanimous consent, the case remains assigned to the district judge.

KEY QUOTATIONS

“A court considering a habeas corpus petition must “forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted.”” (1)

“Because transfer of Petitioner to another district could interfere with his access to counsel and ability to participate in the habeas corpus proceedings, the Respondents are ORDERED to refrain from transferring Petitioner to custody in a facility outside the Western District of Washington while this case is pending.” (2)

FACTUAL BACKGROUND

Petitioner Ivan Chekhovskii was held at the Northwest Immigration and Customs Enforcement Processing Center and filed a § 2241 habeas petition through counsel. The court determined that transfer to another district or removal from the United States could interfere with petitioner's access to counsel and ability to participate in the habeas proceedings. The court therefore required advance notice of any transfer or removal and barred transfer to custody outside the Western District of Washington while the case remained pending.

PROCEDURAL HISTORY

Ivan Chekhovskii, through counsel, filed a federal habeas petition under 28 U.S.C. § 2241. Before requiring a return, the court reviewed the petition and ordered respondents to respond by December 30, 2025, with petitioner's traverse due January 6, 2026. The court also ordered notice before any transfer or removal and prohibited transfer to a facility outside the district during the pendency of the case.

DISPOSITION

other

CASES CITED

- *Clutchette v. Rushen*, 770 F.2d 1469, 1474–75 (9th Cir. 1985)
- *Washington v. Kijakazi*, 72 F.4th 1029, 1036–1040 (9th Cir. 2023)
- *Williams v. King*, 875 F.3d 500, 503–504 (9th Cir. 2017)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 5 AT
TACOMA 6 IVAN CHEKHOVSKII, Case No. 2:25-cv-02550-JLR-TLF 7 Petitioner, v. ORDER
FOR RETURN AND 8 STATUS REPORT, § 2241 BRUCE SCOTT, ET AL, PETITION 9
Respondent. 10 11 Petitioner, by counsel, filed a 28 U.S.C. § 2241 petition for writ of habeas
corpus. 12 Dkt. 1. 13 1.

The Court retains the discretion to determine when an answer or response to a 14 § 2241 habeas
petition is due. See, e.g., *Clutchette v. Rushen*, 770 F.2d 1469, 1474–75 15 (9th Cir. 1985)
(pursuant to Habeas Corpus Rule 4, the federal court has discretion to 16 fix a time to file an
answer beyond the time periods set forth in 28 U.S.C. § 2243). A 17 court considering a habeas
corpus petition must “forthwith award the writ or issue an 18 order directing the respondent to
show cause why the writ should not be granted.” 28 19 U.S.C. § 2243 (emphasis added).

The Court examines the allegations and 20 circumstances of each case in determining the due date
of a response. 21 Having reviewed the petition, the Court ORDERS: 22 23 24 1 2. Respondents
shall file a return to the habeas petition no later than December 2 30, 2025. Any arguments that the
petition should be dismissed shall be made in the 3 return and not by separate motion.

4 3. Petitioner’s traverse shall be due by January 6, 2026. The Clerk shall note the 5 matter for
January 6, 2026, as ready for the Court’s consideration. 6 4. The Clerk is directed to serve this
habeas corpus petition, Dkt. 1, upon 7 respondents and shall immediately email a copy of this
order to 8 usawaw@habeas@usdoj.gov. 9 5. Respondents shall provide Petitioner and Petitioner’s
counsel in this habeas 10 action at least 48 hours’ notice (or 72 hours’ notice if the period extends
into the 11 weekend or holiday) prior to any action to move or transfer Petitioner from the 12
Northwest Immigration and Customs Enforcement Processing Center or to remove him 13 from
the United States.

Because transfer of Petitioner to another district could interfere 14 with his access to counsel and
ability to participate in the habeas corpus proceedings, 15 the Respondents are ORDERED to
refrain from transferring Petitioner to custody in a 16 facility outside the Western District of
Washington while this case is pending. 17 6.

The parties have a right to have the matter heard by a United States District Judge and may consent to the jurisdiction of a United States Magistrate Judge. 28 U.S.C. § 636 (c)(2), Fed. R. Civ. P. 73(b). Consent is voluntary. *Washington v. Kijakazi*, 20 F.4th 1029, 1036-1040 (9th Cir. 2023).

The Magistrate Judge will have jurisdiction only if all parties consent. *Williams v. King*, 875 F.3d 500, 503-504 (9th Cir. 2017). Counsel for the parties are directed to indicate whether they consent or decline consent by no later than December 23, 2025, by emailing Deputy Gayle Riekana at gayle_riekana@wawd.uscourts.gov. If the parties unanimously consent, Magistrate Judge Theresa L. Fricke will preside over the entire case through judgment.

If any party does not consent to the jurisdiction of the Magistrate Judge, the case will remain assigned to District Judge James L. Robart. See Western District of Washington Local Civil Rule 73. See also General Order 5-25. Dated this 17th day of December, 2025. Theresa L. Fricke United States Magistrate Judge