

**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

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 Riekena at gayle_riekena@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. A Theresa L. Fricke United States Magistrate Judge