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8 Counsel for Petitioner

Ovanes Gazazyan

9 UNITED STATES DISTRICT COURT FOR THE  
CENTRAL DISTRICT OF CALIFORNIA

10 Ovanes Gazazyan, A 

11 Petitioner,

12 v.

No. 5:25-cv-02599-SRM-DTB

13 PAMELA BONDI, in her official capacity as  
Attorney General,

14 KRISTI NOEM, in her official capacity as  
15 Secretary of the Department of Homeland  
Security,

16 U.S. DEPARTMENT OF HOMELAND  
17 SECURITY,

18 F. SEMAIA, in his official capacity as Warden of  
Adelanto Detention Facility,

19 ERNESTO SANTACRUZ, JR., in his official  
20 capacity as Acting ICE Field Office Director,  
21 Respondents.

**PETITIONER'S REPLY TO**  
**IN SUPPORT OF MOTION**  
**FOR TEMPORARY**  
**RESTRAINING ORDER**

1  
2 **I. INTRODUCTION**

3 On October 1, 2025, Ovanes Gazazyan (Petitioner), filed a petition for a writ  
4 of habeas corpus challenging the unlawful revocation of his release on an order of  
5 supervision (OSUP), and his continued detention without belief that his removal  
6 from the United States is reasonably foreseeable. Dkt. No. 1. Petitioner  
7 concurrently filed an ex parte motion for a temporary restraining order. Dkt. No. 2.

8 The Court issued an order on the motion for a temporary restraining order on  
9 October 1, 2025, prohibiting Respondents from removing Petitioner from this  
10 jurisdiction and setting a videoconference on the motion for October 5, 2025. Dkt.  
11 No. 5.

12 On October 2, 2025, Respondents filed an opposition to Petitioner's motion  
13 for a temporary restraining order, arguing that the Court should deny Petitioner's  
14 request for an injunction barring his removal to a third country without notice and  
15 an opportunity to express a fear because the government is in the process of  
16 removing him to Armenia, and not a third country; the Court does not have  
17 jurisdiction to order Respondents not to transfer a detainee between jurisdictions (or  
18 to return him to a particular jurisdiction); and that Petitioner's request for an order  
19 to release him under an Order of Supervision should be denied. Dkt. No. 7. This  
20 reply follows.

21 **II. ARGUMENT**

1 Respondents do not meaningfully contest Petitioner's argument that  
2 removal of Petitioner to a third country without notice will cause Petitioner  
3 irreparable harm as he will be unable to be heard on any fear-based claim he  
4 may have with respect to that country, instead arguing that such notice is  
5 already provided and that the government is seeking to remove him to  
6 Armenia only. Respondents' Opposition, Dkt. No. 7, p. 4. But this is far  
7 from certain as Petitioner is stateless and not an Armenian citizen.

8 Moreover, the agency's own policy allows for removal to a third country  
9 without notice or an opportunity to present a fear-based claim where the  
10 United States has received "diplomatic assurances" from a third country that  
11 non-citizens removed to that country will not be persecuted or tortured. *See*  
12 Motion for Temporary Restraining Order, Dkt. No. 2, Exhibit H, "Guidance  
13 Regarding Third Country Removals." Thus, an order preventing third  
14 country removal without notice and a meaningful opportunity to present a  
15 fear based claim is essential.

16 Respondents' arguments regarding transfer outside the District overlook  
17 the critical fact that a temporary restraining order preserves the *status quo*  
18 *ante litem*, which refers to the "last uncontested status which preceded the  
19 pending controversy." *Flathead-Lolo-Bitterroot Citizen Task Force v.*  
20 *Montana*, 98 F.4th 1180, 1191 (9th Cir. 2024). In this case, maintaining  
21

1 Petitioner's presence within this District is preserving the *status quo*.

2 Finally, Respondents argue that Petitioner's request for release under an  
3 Order of Supervision (OSUP) should be denied, as there is a lack of  
4 evidence to demonstrate that Petitioner was ever detained by immigration  
5 authorities prior to his recent detention on September 30, 2025. *See*,  
6 Respondents' Opposition, Dkt. No. 7, p. 9.

7 Petitioner's motion for a temporary restraining order contained a copy of  
8 the May 12, 2004 letter to ICE from the Consulate General of Armenia. Dkt.  
9 No. 2, Exhibit A. This letter was addressed to a deportation officer at the  
10 ICE detention facility located at 1705 East Hanna Road in Eloy, Arizona.<sup>1</sup>  
11 Petitioner was detained at the Eloy detention facility during his removal  
12 proceedings as evidenced by the attached documentation showing that an  
13 Immigration Judge in Eloy denied his request for bond in August of 2003,  
14 and an Immigration Judge in Eloy ordered his removal in February 2004.  
15 *See*, Exhibit J, Decision of the Immigration Judge in Eloy, Arizona  
16 (February 3, 2004); *see also* Exhibit K, Decision of the Immigration Judge  
17 in Bond Proceedings, Eloy Arizona (August 18, 2003).

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19  
20 <sup>11</sup> This is the location of the Eloy Detention Center which houses ICE detainees.  
21 *See*: <https://www.corecivic.com/facilities/eloy-detention-center> (Accessed October 3, 2025).

1 The fact that, in May 2004, the Armenian Consulate wrote to a  
2 deportation officer in Eloy, Arizona stating that a travel document was  
3 denied as Petitioner was not an Armenian citizen, demonstrates that  
4 Petitioner was indeed in immigration custody after his removal order. *See*  
5 *also*, Exhibit I, Declaration of Sabrina Damast discussing Petitioner's post-  
6 removal order detention.

7 Respondents additionally argue that there is no evidence that ICE failed to  
8 follow the regulations regarding revocation of Petitioner's Order of Supervision,  
9 and in any event, such a failure would not weigh in favor of release. *See*,  
10 Respondents' Opposition, Dkt. #7, p. 11. Respondents are asking Petitioner to  
11 prove a negative. The applicable regulations state that, "[u]pon revocation [of an  
12 order of supervision], the [non-citizen] will be notified of the reasons for revocation  
13 of his [ ] release." 8 C.F.R. § 241.13(i)(3) (emphasis added). At the time of his re-  
14 detention, Petitioner was not served with any such notice of revocation, which the  
15 regulations clearly state should be provided contemporaneously with such action.<sup>2</sup>  
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17  
18 <sup>2</sup> The regulations additionally state that, "[t]he alien may submit any  
19 evidence or information that he or she believes shows there is no significant  
20 likelihood he or she be removed in the reasonably foreseeable future, or that he or  
21 she has not violated the order of supervision." The notice process thus explicitly  
allows for the noncitizen to present countervailing evidence to demonstrate he  
should remain at liberty. Petitioner here was deprived of that right.

1 Presumably, had such notice been provided, Respondents would have included  
2 evidence of the same with their opposition.

3 The critical fact remains - Petitioner's removal is not imminent. Since the  
4 breakup of the Soviet Union, Petitioner has been stateless. Two prior attempts to  
5 secure travel documents from Armenia – in 2004 and 2017 – were unsuccessful.  
6 DHS has no particularized evidence that Petitioner can be removed to any country,  
7 as evidenced by the declaration of ICE officer Jenson, which states only that the  
8 agency “began the process” of obtaining travel documents, and that Armenia “has  
9 been accepting its nationals, including those born in the former Soviet Union,” for  
10 removal. *See*, Exhibit to Respondents' Opposition, Dkt. No. 7-2, Declaration of  
11 Christopher Jenson. Officer Jenson's declaration fails to account for the fact that  
12 Armenia has already determined that he is *not* a citizen of that country. Indeed, any  
13 assertion that travel documents from Armenia are forthcoming is belied by repeated  
14 assertions from the Armenian Consulate that it does not issue travel documents to  
15 individuals who are not citizens of Armenia. *See* Exhibit I, Declaration of Sabrina  
16 Damast.

17 Petitioner should be ordered released on OSUP. He was previously on  
18 OSUP for 20 years. Respondents have not provided any evidence to justify the  
19 sudden revocation of the OSUP. Accordingly, Respondents revoked Petitioner's  
20 OSUP in violation of the notice procedures at 8 C.F.R. § 241.13(i)(3), without any  
21

1 showing that his removal is reasonably foreseeable. Thus, this Court should restore  
2 the status quo ante and order Respondents to release Petitioner on an OSUP until  
3 such time as Respondents both comply with the OSUP revocation regulations and  
4 demonstrate that Petitioner's removal is reasonably foreseeable.

5 **III. CONCLUSION**

6 For the foregoing reasons, as well those articulated in his initial moving  
7 papers, Petitioner respectfully request that this Court grant his motion for a  
8 temporary restraining order.

9  
10 **RESPECTFULLY SUBMITTED this 3rd day of October, 2025**

**/s/ Amy Lenhart**

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**TABLE OF EXHIBITS**

17 **Exhibit I:** Declaration of Sabrina Damast

18 **Exhibit J:** Decision of the Immigration Judge, Eloy Arizona (February 3,  
19 2004)

20 **Exhibit K:** Decision of the Immigration Judge in Bond Proceedings, Eloy  
21 Arizona (August 18, 2003)