

1 Sabrina Damast (CA SBN #305710 and NY SBN #5005251)

2 Amy Lenhert (CA Bar #227717)

3 Rocio La Rosa (CA Bar #314831)

4 Law Office of Sabrina Damast, Inc.

510 West 6th Street, Suite 330

Los Angeles, CA 90014

Telephone: (323) 475-8716

6 Emails: sabrina@sabrinadamast.com

amy@sabrinadamast.com

7 rocio@sabrinadamast.com

8 Inna Parizher (CA SBN #270581)

9 Law Office of Inna Parizher

10 PO Box 1034

Glendale, CA 91209

11 Telephone: (310) 630-9499

12 Email: InnaParizher@parizherimmigration.com

13
14 Counsel for Petitioner

15 Karpis Kochakyan

16

17

18

19

20

21

22

23

24

25

26

27

28

1 UNITED STATES DISTRICT COURT FOR THE
2 CENTRAL DISTRICT OF CALIFORNIA

3 Karpis Kochakyan, Alien

4 # 

5 Petitioner,

6 v.

7 PAMELA BONDI, in her official capacity
8 as Attorney General,

9 KRISTI NOEM, in her official capacity as
10 Secretary of the Department of Homeland
11 Security,

12 U.S. DEPARTMENT OF HOMELAND
13 SECURITY,

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

16 ERNESTO SANTACRUZ, JR., in his
17 official capacity as Acting ICE Field Office
18 Director,

19 Respondents.

Case No. 5:25-cv-02924

VERIFIED PETITION
FOR HABEAS CORPUS
AND COMPLAINT FOR
INJUNCTIVE AND
DECLARATORY
RELIEF

IMMIGRATION HABEAS
CASE

- 20 1. Karpis Kochakyan (Petitioner), by and through his undersigned counsel,
21 hereby files this petition for a writ of habeas corpus challenging the unlawful
22 revocation of his release on an order of supervision (OSUP).
23
24 2. Petitioner is a citizen of the former Soviet Union. On June 16, 1991, he was
25 admitted to the United States as a lawful permanent resident. On October 20,
26 2005, he was convicted of violating California Penal Code section 245(a)(1)
27
28

1 (assault with a deadly weapon) and sentenced to 2 years in prison. On
2 December 5, 2006, he was ordered removed. Petitioner's mother and sister
3 are U.S. citizens. See Exhibit D.

4
5 3. On or about March 14, 2007, ICE officials released Petitioner from custody
6 and placed him on an OSUP. See Exhibit B. Respondents released Petitioner
7 on the OSUP because they were unable to obtain travel documents to deport
8 him to Armenia. See Exhibit C. Petitioner has diligently complied with the
9 terms of his Supervision Order for more than 18 years, including by regularly
10 attending all required ICE check-ins.
11

12
13 4. Petitioner attended his scheduled ICE check in on October 16, 2025. At that
14 time, officials with Immigration and Customs Enforcement (ICE) detained
15 him. He is now being housed at the Adelanto Detention Facility.
16

17
18 5. Petitioner has been given no notice of ICE's intention to re-detain him, and
19 he was not provided with any information about why his OSUP was
20 presumably revoked.
21

22 6. On information and belief, ICE had no particularized evidence that
23 Petitioner could be deported to any country at the time they detained him,
24 and continue to have no particularized evidence that Petitioner can be
25 removed at this time.
26
27
28

- 1 7. Petitioner has not received an individualized hearing before a neutral
2 decision maker to assess whether his recent re-detention is warranted due to
3 danger or flight risk.
4
- 5 8. On information and belief, if an ICE official has signed a Notice of
6 Revocation of Petitioner's release, that official lacked the legal authority to
7 do so.
8
- 9 9. Since being detained, Petitioner has been threatened by Respondents with
10 deportation to Russia, without any written notice or any opportunity to
11 express a fear of removal to Russia.
12

13 **PARTIES**

- 14 10. Petitioner is a citizen of the former Soviet Union, who is currently in the
15 custody of ICE in Adelanto, California.
16
- 17 11. Respondent Pamela Bondi, the Attorney General, is the highest-ranking
18 official within the Department of Justice (DOJ). Respondent Bondi has
19 responsibility for the administration and enforcement of the immigration
20 laws pursuant to 8 U.S.C. § 1103. As the Immigration and Nationality Act
21 (INA) has not been amended to reflect the designation of the Secretary of
22 the Department of Homeland Security (DHS) as the administrator and
23 enforcer of immigration laws, Respondent Bondi is sued in her official
24
25
26
27
28

1 capacity to the extent that 8 U.S.C. § 1102 gives her authority over
2 immigration law.

3
4 12. Respondent Kristi Noem, the Secretary of the DHS, is the highest-ranking
5 official within the DHS. Respondent Noem, by and through her agency for
6 the DHS, is responsible for the implementation of the INA, and for ensuring
7 compliance with applicable federal law. She is also responsible for the
8 detention of non-citizens by ICE. Respondent Noem is sued in her official
9 capacity as an agent of the government of the United States.
10

11
12 13. The DHS is the agency responsible for detaining non-citizens, including
13 Petitioner.

14
15 14. Respondent F. Semaia is the warden at the Adelanto Detention Facility. In
16 this capacity, he has responsibility for Petitioner's detention.

17
18 15. Respondent Ernesto Santacruz, Jr. is the Acting Field Office Director of the
19 Los Angeles office of Immigration and Customs Enforcement. He oversees
20 the custody of all Immigration and Customs Enforcement detainees in both
21 Los Angeles and Adelanto. Respondent Santacruz is sued in his official
22 capacity as an agent of the government of the United States.
23

24 **JURISDICTION AND VENUE**

25 16. This Court has jurisdiction over the present action pursuant to 28 U.S.C.
26 § 1331, general federal question jurisdiction; 5 U.S.C. §§ 701 et seq., the
27

1 Administrative Procedure Act (APA); habeas jurisdiction pursuant to 28
2 U.S.C. § 2241 et seq.; Art I., § 9, Cl. 2 of the United States Constitution (the
3 Suspension Clause); and the common law. This action arises under the Due
4 Process Clause of the Fifth Amendment of the U.S. Constitution and the
5 INA. This Court may grant relief under the habeas corpus statutes, 28
6 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2001 et
7 seq., and the All-Writs Act, 28 U.S.C. § 1651.

10 17. Federal district courts have jurisdiction to hear habeas claims by
11 noncitizens challenging the lawfulness or constitutionality of DHS conduct.
12 Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See*
13 *e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

16 18. Venue is proper pursuant to 28 U.S.C. § 1391(e) because Respondents are
17 agencies of the United States or officers or employees thereof acting in their
18 official capacity or under color of legal authority; Petitioner is in the
19 custody of the Los Angeles Field Office of Immigration and Customs
20 Enforcement at the Adelanto Detention Center, which is in the jurisdiction
21 of the Central District of California; and there is no real property involved in
22 this action.
23
24

25 LEGAL BACKGROUND

26
27
28

1 19. 8 U.S.C. § 1231(a) governs the detention of individuals who have been
2 ordered removed. The statute directs ICE to detain such individuals for 90
3 days while carrying out a removal order. *See* 8 U.S.C. § 1231(a)(2). This
4 90-day removal period begins when the removal order becomes final.
5 Absent an applicable exception, if ICE cannot remove a person within the
6 90-day removal period, they are released from custody subject to
7 supervision. 8 U.S.C. § 1231(a)(3).
8

10 20. 8 U.S.C. § 1231(a)(6) permits detention beyond the normal 90-day removal
11 period, but even these exceptions do not authorize indefinite detention. *See*
12 *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001) (limiting ICE’s detention
13 authority to a period “reasonably necessary” to carry out removal and
14 deeming detention impermissible when removal is not “reasonably
15 foreseeable”).
16
17

18
19 21. The regulations permit release of a non-citizen subject to a removal order
20 after the 90-day removal period has elapsed if ICE determines that the non-
21 citizen “would not pose a danger to the public or a risk of flight, without
22 regard to the likelihood of the [non-citizen’s] removal in the reasonably
23 foreseeable future.” 8 C.F.R. § 241.13(b)(1). These released individuals are
24 typically subject to an OSUP, as Petitioner has been for the last 18 years. *See*
25 8 C.F.R. § 241.4(j); 8 C.F.R. § 241.13(h).
26
27
28

1 22. ICE may withdraw its approval for the release of a non-citizen if it can
2 effectual the individual's removal from the United States "in the reasonably
3 foreseeable future" or if the individual fails to comply with the conditions of
4 release. 8 C.F.R. § 241.13(h)(4). ICE may only revoke a non-citizen's
5 release if "there is a significant likelihood that the [non-citizen] may be
6 removed in the reasonably foreseeable future." *Id.* at § 241.13(i)(2). "Upon
7 revocation, the [non-citizen] will be notified of the reasons for revocation of
8 his [] release." *Id.* at § 241.13(i)(3).

11 23. Only certain officials have the authority to revoke an OSUP - namely, the
12 Executive Associate Commission of the former Immigration and
13 Naturalization Service, or, possibly, the current Executive Associate Director
14 of ICE. *See e.g., Rombot v. Souza*, 296 F.Supp.3d 383, 385 (D. Mass. Nov. 8,
15 2017) (noting that the regulation, on its face, refers to titles in force under the
16 former INS, and thus, it is not clear an ICE Field Office Director can revoke
17 an order of supervision to enforce a removal order); *see also Ceesay v.*
18 *Kurzdorfer*, 781 F.Supp.3d 137, 162 (W.D.N.Y. May 2, 2025) (noting that the
19 authority of the Executive Associate Commissioner of INS was transferred to
20 the Executive Associate Director of ICE and finding that an Assistant Field
21 Office Director is not the equivalent of the Executive Associate Director);
22 *Santamaria Orellana v. Baker*, 2025 WL 244087, *6 (D. Md. Aug. 25, 2025)

(only the Executive Associate Commissioner or a district director can revoke release); *Zhu v. Genalo*, --- F.Supp.3d ----, 2025 WL 242352, * 8 (S.D.N.Y. Aug. 26, 2025) (same); *Santamaria Orellana v. Baker*, 2025 WL 2841886, *5-6 (D. Md. Oct. 7, 2025) (reiterating that the requirement that a specific senior official sign a notice of revocation is not merely a housekeeping matter and again ordering Santamaria Orellana's release after his re-detention by immigration officials).

24. Pursuant to 8 C.F.R. § 241.13(h)(4)(i)(2), (3), Respondents must provide a non-citizen with notice of the reasons for the revocation, must provide the non-citizen with an informal interview, and must provide the non-citizen with the opportunity to submit any evidence or information that he or she believes shows there is no significant likelihood he or she will be removed in the reasonably foreseeable future. Failure to provide the notice of the reasons for the revocation or failure to provide an informal interview violates the detainee's due process rights and requires immediate release on OSUP. *See Ceasay*, 781 F.Supp.3d at 163-165, 166 (collecting cases, concluding that the failure to provide the informal interview violated the detainee's due process rights, and concluding that the detainee was entitled to immediate release); *see also K.E.O. v. Woosley*, 2025 WL 2553394, *5-7 (W.D. Ky. Sept. 4, 2025) (ordering release for failure to provide informal interview);

1 *Santamaria Orellana*, [2025 WL 244087](#) at *7 (failure to provide interview
2 violates due process); *Delkash v. Noem*, [2025 WL 2683988](#), *5-7 (C.D. Cal.
3 Aug. 28, 2025) (noting requirement for notice and informal interview and
4 granting immediate release).
5

6
7 25. Moreover, notice of the reasons for the revocation of release must be
8 provided before re-detaining an individual on an OSUP, in order to provide
9 timely notice of the reasons for the re-detention. *See Zhu*, [2025 WL 2452352](#)
10 at *9 (noting that the regulations and Due Process Clause require that the
11 process required for revoking a release must happen before a non-citizen is
12 re-detained and ordering immediate release). Failure to provide a detainee
13 with meaningful notice of the reasons for the revocation deprives him of the
14 opportunity to be heard on why he should remain at liberty. *See e.g., Perez-*
15 *Escobar v. Mariz*, --- F. Supp.3d ----, [2025 WL 2084102](#), * 2 (D. Mass. July
16 24, 2025) (finding that a Notice of Revocation that stated that there is a
17 significant likelihood of removal in the reasonably foreseeable future, that
18 the purpose of release had been served, and that it was appropriate to enforce
19 the removal order “does not identify any specific changed circumstances”
20 and fails to give the petitioner “meaningful notice of the basis for its
21 revocation” and ordering the petitioner’s immediate release).
22
23
24
25
26
27
28

1 26. Respondents may remove a non-citizen to a third country (i.e., a country in
2 which the non-citizen does not hold citizenship) if removal to their country
3 of citizenship is impractical, inadvisable or impossible. *See* 8 U.S.C.
4 § 1231(b)(2)(E)(ii). However, DHS is barred from removing a non-citizen to
5 a country where the non-citizen's life or freedom would be threatened
6 because of five protected grounds. *Id.* at § 1231(b)(3)(A). In addition, DHS
7 is barred from deporting a non-citizen to a country where they face a threat
8 of torture. *See* 8 C.F.R. §§ 208.16-208.18.
9
10

11
12 **FIRST CAUSE OF ACTION**

13 **UNLAWFUL REVOCATION OF RELEASE**

14 27. Petitioner re-alleges and incorporates each allegation contained in
15 paragraphs 1-26.
16

17 28. Petitioner was previously detained by ICE and released because his removal
18 could not be effectuated. If he has complied with the conditions of this
19 OSUP, Respondents have the authority to revoke his release only if there is a
20 significant likelihood that they can remove him in the reasonably foreseeable
21 future. *See* 8 C.F.R. § 241.13(i)(2).
22
23

24 29. Respondents revoked Petitioner's release without evidence that he could be
25 deported to any country.
26
27
28

1 30. Respondents' actions are arbitrary, capricious, an abuse of discretion, and
2 contrary to law. 5 U.S.C. § 706(a)(2)(A). Petitioner is entitled to immediate
3 release on an OSUP.
4

5 **SECOND CAUSE OF ACTION**
6

7 **VIOLATION OF PROCEDURES FOR REVOCATION OF RELEASE**

8 **31.** Petitioner re-alleges and incorporates each allegation contained in
9 paragraphs 1-26.
10

11 **32.** The governing regulations require Respondents to notify Petitioner of the
12 reason for his re-detention. 8 C.F.R. § 241.13(i)(3). Respondents have not
13 complied with this obligation, nor have they yet provided him with an initial
14 interview at which he can respond to the purported reasons from revocation.
15 *Cf. id.* Moreover, there is no evidence that an official with the authority to
16 revoke Petitioner's release signed a Notice of Revocation. As such,
17 Petitioner is entitled to immediate release on OSUP until ICE can provide the
18 minimal process required by the regulation.
19
20
21

22 **THIRD CAUSE OF ACTION**
23

24 **UNLAWFUL DETENTION WITHOUT INDIVIDUALIZED**
25 **DETERMINATIONS OF DANGER OR FLIGHT RISK**
26
27
28

1 **33.** Petitioner re-alleges and incorporates each allegation contained in
2 paragraphs 1-26.

3
4 **34.** Detention violates Section 1231 and the Due Process Clause of the U.S.
5 Constitution unless it is reasonably related to the government's purpose of
6 preventing flight and protecting the community. *Zadvydas*, 533 U.S. at
7 690-91.

8
9 **35.** Before being re-detained, Petitioner lived in the community for more than
10 18 years. Petitioner has received no process to determine if his re-detention
11 is warranted.

12
13 **36.** Petitioner is entitled to an individualized determination by impartial
14 adjudicators as to whether detention is justified based on danger or flight
15 risk.

16
17
18 **FOURTH CAUSE OF ACTION**

19
20 **UNLAWFUL REMOVAL TO A THIRD COUNTRY**

21
22 **37.** Petitioner re-alleges and incorporates each allegation contained in
23 paragraphs 1-26.

24
25 **38.** Notwithstanding the statutory and regulatory prohibitions on removing non-
26 citizens to countries where they face potential persecution or torture, on
27

1 March 30, 2025, Respondent Noemi issued a memo entitled, “Guidance
2 Regarding Third Country Removals.” This memo states that if the United
3 States has received “diplomatic assurances” from a third country that non-
4 citizens removed to that country will not be persecuted or tortured, DHS may
5 remove that non-citizen “without the need for further procedures.” Exhibit
6
7 E.
8

9 39. The procedure laid out in this memo violates the statutory and regulatory
10 provisions requiring Respondents to provide a non-citizen with a forum to
11 demonstrate an individualized risk of torture or persecution in a specific
12 country. The memo purports to rely on blanket assurances from third
13 countries that non-citizens generally will not be tortured or persecuted to
14 circumvent the obligation to determine if an individual non-citizen faces a
15 risk of torture or persecution.
16
17
18

19 40. To the extent that Respondents are detaining Petitioner with the intent to
20 remove him to a third country (including, but not limited to, Russia) without
21 notice or the opportunity to demonstrate that he is at a particularized risk of
22 torture or persecution in that third country, the detention is unlawful.
23

24 **PRAYER FOR RELIEF**
25
26
27
28

1 WHEREFORE, Petitioner respectfully requests that this Court grant the
2 following relief:

- 3 1. Assume jurisdiction over this matter;
- 4 2. Declare that Respondents have violated Petitioner's rights;
- 5 3. Order Respondents to immediately release Petitioner on an OSUP;
- 6 4. Enjoin Respondents from revoking Petitioner's release without providing
7 him a determination by an impartial adjudicator that his detention is justified
8 based on danger or flight risk, which cannot be sufficiently addressed by
9 alternative conditions of release and/or supervision, at which hearing
10 Respondents will bear the burden of proof of demonstrating that Petitioner is
11 a flight risk or a danger to the community;
- 12 5. Enjoin Respondents from re-detaining Petitioner without first notifying him
13 of the reasons for the revocation of his release, providing him with an
14 opportunity to rebut those reasons, and providing him with a prompt
15 interview as required by regulation;
- 16 6. Enjoin Respondents from removing Petitioner to a third country without
17 sufficient notice and opportunity to demonstrate that he faces a specific risk
18 of torture or persecution in that third country;
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

1 7. Award Petitioner his costs and reasonable attorneys' fees in this action as
2 provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and on
3 any further basis justified under law;
4

5 8. Grant such further relief as the Court deems just and proper.
6

7 **RESPECTFULLY SUBMITTED this 2nd day of November, 2025**

8 **/s/ Sabrina Damast**

9 Sabrina Damast, CA Bar # 305710, NY Bar # 5005251

10 Amy Lenhert, CA SBN #227717

11 Rocio La Rosa, CA SBN#314831

12 Law Office of Sabrina Damast, Inc.

13 510 West 6th Street, Suite 330

14 Los Angeles, CA 90014

15 (O) (323) 475-8716

16 (E) sabrina@sabrinadamast.com

17 amy@sabrinadamast.com

18 rocio@sabrinadamast.com

19 Inna Parizher (CA SBN #270581)

20 Law Office of Inna Parizher

21 PO Box 1034

22 Glendale, CA 91209

23 Telephone: (310) 630-9499

24 Email: InnaParizher@parizherimmigration.com

25 **TABLE OF EXHIBITS**

26 **Exhibit A:** Declaration of Petitioner

27 **Exhibit B:** Notice of Release and Order of Supervision

28 **Exhibit C:** Letter from Consulate General of the Republic of Armenia

Exhibit D: Naturalization Certificates of Petitioner's mother (Emily Avetisyan) and sister (Star Astgik Kochakyan)

1
2 **Exhibit E:** “Guidance Regarding Third Country Removals,” (March 30,
3 2025)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28