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Counsel for Petitioner
Karpis Kochakyan

UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

Karpis Kochakyan, Alien # ,

Petitioner,
v.

PAMELA BONDI, in her official capacity as
Attorney General,

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

U.S. DEPARTMENT OF HOMELAND
SECURITY,

Case No. 5:25-cv-02924-
VBF-PD

REPLY IN SUPPORT OF
MOTION FOR A
TEMPORARY
RESTRAINING ORDER

IMMIGRATION HABEAS
CASE

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

3 ERNESTO SANTACRUZ, JR., in his official
4 capacity as Acting ICE Field Office Director,
5 Respondents.

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7 **I. INTRODUCTION**

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9 On November 2, 2025, Karpis Kochakyan (Petitioner), filed a petition for a
10 writ of habeas corpus challenging the unlawful revocation of his release on an order
11 of supervision (OSUP) and his continued detention without belief that his removal
12 from the United States is reasonably foreseeable. The petition was accompanied by
13 a motion for a temporary restraining order (TRO). Respondents have filed an
14 opposition to the TRO. In it, Respondents claim that there are no grounds for
15 barring Petitioner's transfer out of the district, that political relations between the
16 United States and Armenia have changed, that Petitioner has been served with a
17 notice of revocation of his release, that he received an informal interview, and that
18 he has failed to cooperate in securing travel documents.
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22 **II. ARGUMENT**

23 **A. Scope of TRO Request**

24 Petitioner clarifies – as is stated in the proposed order on the TRO – that his
25 request for an order enjoining his transfer out of the district relates only to any
26 attempt to deport him to a third country. Undersigned counsel has reviewed the
27 motion for a TRO and recognizes that the language is less clear than the proposed
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1 order submitted. As such, Petitioner clarifies that he is not seeking an order barring
2 his transfer out of the district to another part of the United States, nor is he seeking
3 an order barring his removal to Armenia. He is, however, seeking immediate
4 release due to the procedural violations raised in his habeas petition and motion for
5 a TRO and an order preventing his removal to a third country without adequate
6 notice and an opportunity to express a fear claim.
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9 **B. Procedural Violations**

10 Petitioner asks this Court to release him on an OSUP because Respondents
11 have failed to provide him with a Notice of Revocation or an informal interview, as
12 required by the regulations. Petitioner provided a sworn declaration that indicated
13 that he had not been provided with any documents; that any time he had asked ICE
14 officers for a copy of documents, they declined to provide them; and that he had not
15 been given the opportunity to provide any information on why he should be
16 permitted to remain at liberty. *See ECF 1-3*. Respondents have responded with a
17 declaration from Deportation Officer (DO) Lourdes Palacios, indicating that
18 Petitioner was served with a Notice of Revocation on October 15, 2025 and that he
19 was provided with an informal interview on October 15, 2025. *See 6-1*.

20 Respondents have also filed a Notice of Revocation of Release, signed by
21 Supervisory Detention and Deportation Office (SDDO) McKenna, with a certificate
22 of service indicating that DO Quintans served the document on Petitioner at the Los
23 Angeles Federal Building. *See ECF 6-2*. The certificate of service is not signed by
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1 DO Quintans or Petitioner. Respondents further filed a document titled, “Alien
2 Informal Interview Upon Revocation of Order of Supervision Under 8 C.F.R.
3 § 241.4(l). See ECF 6-3. The relevant narrative portion of that document is blank.
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5 i. Notice of Revocation
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7 At this time, the parties have put forth conflicting evidence about whether
8 Respondents have served Petitioner with a Notice of Revocation. Petitioner has
9 declared under penalty of perjury that on October 15, 2025, while he was in a
10 holding tank at the ICE field office, an official brought him a paper that he deemed
11 to be for “self-deportation,” but would not give Petitioner a copy of the paper to
12 read. See ECF 1-3. Petitioner has also declared that on the same day, after arriving
13 at the Adelanto Detention Facility, an officer brought him paperwork that he told
14 Petitioner was to request travel documents from Russia. *Id.* Again, Petitioner
15 requested to review the document before signing it, and the officer simply told him
16 he did not need to sign it and did not provide a copy of the document to Petitioner.
17 *Id.* During two additional conversations, ICE officials refused to provide Petitioner
18 with a copy of an application for Armenian citizenship that they wanted him to
19 sign.
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25 The documents provided by Respondents do not support their assertion that
26 Petitioner was served with a copy of the Notice of Revocation. First, the Certificate
27 of Service is signed by neither the official who is alleged to have served it, nor by
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1 Petitioner. *See* ECF 6-2. Thus, it does not adequately confirm the document was
2 served on Petitioner.
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4 Second, Petitioner has declared that while he was in the holding tank at the
5 federal building, an officer wanted him to sign a paper for his “self-deportation.”
6 ECF 1-3. However, the officer would not permit Petitioner to review the form and
7 discuss it with counsel, nor would he provide a copy of the document to Petitioner.
8 Assuming, *arguendo*, the “self-deportation” document was the Notice of
9 Revocation, the officer’s refusal to provide a copy of the document to Petitioner
10 does not constitute proper service of the document.
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14 Third, the Notice itself is signed by SDDO McKenna, an officer who lacks
15 authority to revoke an order of release. The regulation at 8 C.F.R. § 241.4(l)(2)(iii)
16 permit the Executive Associate Commissioner to revoke the release of a non-citizen
17 if it is appropriate to enforce a removal order. Courts have also recognized that the
18 equivalent official in the current leadership structure of ICE – the Executive
19 Associate Director – may have that authority. An SDDO, however, is not
20 authorized to revoke an Order of Supervision to enforce a removal order. *See e.g.*,
21 *Rombot v. Souza*, 296 F.Supp.3d 383, 385 (D. Mass. Nov. 8, 2017) (noting that the
22 regulation, on its face, refers to titles in force under the former INS, and thus, it is
23 not clear an ICE Field Office Director can revoke an order of supervision to enforce
24 a removal order); *see also Ceesay v. Kurzdorfer*, 781 F.Supp.3d 137, 162
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(W.D.N.Y. May 2, 2025) (noting that the authority of the Executive Associate Commissioner of INS was transferred to the Executive Associate Director of ICE and finding that an Assistant Field Office Director is not the equivalent of the Executive Associate Director); *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). Indeed, an SDDO is even lower on the supervisory chain than an Assistant Field Office Director, and thus, SDDO McKenna lacked authority to revoke Petitioner's release.

In addition, assuming the Notice of Revocation was the document brought to Petitioner in the holding tank, Respondents did not even inform Petitioner of its existence (let alone properly serve it, which Petitioner maintains has yet to happen) until after Respondents had already re-detained Petitioner, depriving Petitioner of timely notice of the reasons for his re-detention. *See Zhu*, [2025 WL 2452352](#) at *9 (noting that the regulations and Due Process Clause require that the process required for revoking a release must happen before a non-citizen is re-detained and ordering immediate release). In addition, the notice justifies Petitioner's re-

1 detention only by stating that there is a “significant likelihood of removal in the
2 reasonably foreseeable future.” ECF 6-2. This is insufficiently specific to provide
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4 Petitioner with meaningful notice of the reasons for the revocation, and thus,
5 deprives him of the opportunity to be heard on why he should remain at liberty.
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7 *See e.g., Perez-Escobar v. Mariz*, --- F. Supp.3d ----, 2025 WL 2084102, * 2 (D.
8 Mass. July 24, 2025) (finding that a Notice of Revocation that stated that there is a
9 significant likelihood of removal in the reasonably foreseeable future, that the
10 purpose of release had been served, and that it was appropriate to enforce the
11 removal order “does not identify any specific changed circumstances” and fails to
12 give the petitioner “meaningful notice of the basis for its revocation” and ordering
13 the petitioner’s immediate release).

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16 In sum, Respondents have not demonstrated the Notice of Revocation was
17 served on Petitioner, but if even if the Court credits the unsigned certificate of
18 service, the document was facially insufficient and did not provide Respondents
19 with authority to re-detain Petitioner.
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22 ii. Informal Interview
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24 Petitioner declared that he had not been provided with an informal
25 interview. *See* ECF 1-3. DO Palacios declared that he was provided with the
26 interview on October 15, 2025, and that a record of that interview is contained in
27 the Alien Informal Interview document (ECF 6-3). *See* ECF 6-1. The provision of
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1 such an interview is required by the regulations. *See Ceesay*, 781 F.Supp.3d at
2 163-165, 166 (collecting cases, concluding that the failure to provide the informal
3 interview violated the detainee’s due process rights, and concluding that the
4 detainee was entitled to immediate release); *see also K.E.O. v. Woosley*, 2025 WL
5 2553394, *5-7 (W.D. Ky. Sept. 4, 2025) (ordering release for failure to provide
6 informal interview); *Santamaria Orellana*, 2025 WL 244087 at *7 (failure to
7 provide interview violates due process); *Delkash v. Noem*, 2025 WL 2683988, *5-7
8 (C.D. Cal. Aug. 28, 2025) (noting requirement for notice and informal interview
9 and granting immediate release).

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13 The document contained at ECF 6-3 is entirely blank in the section provided
14 for detailing what oral statements a non-citizen made regarding the reasons for
15 revocation. That Petitioner said nothing – not that he wished to remain at home
16 with his family, not that Armenia had previously refused to issue travel documents,
17 not that he has no connection to Armenia – strains credulity. Surely, a non-citizen
18 facing deportation would say *something* about why he should not be detained or
19 deported, even if the reasons provided are not legally sufficient to delay or cancel
20 the deportation. Moreover, if Petitioner’s allegation that Respondents did not
21 actually provide him with a Notice of Revocation is credible, then this document
22 related to the informal interview is meaningless, as it purports to memorialize the
23 non-citizen’s response to the “reasons for revocation of his or her order of
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1 supervision stated in the notification letter.” ECF 6-3. If Petitioner never received
2 that letter, he would have been unable to respond to the reasons for the revocation.
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4 Accordingly, to the extent that Respondents’ assertion they provided some
5 type of informal interview is credible, the process provided does not comply with
6 the regulations or due process.
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8 **C. Changed Political Conditions**

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10 Respondents assert that relations between Armenia and the United States
11 “have changed dramatically, and similar individuals are now readily removed to
12 Armenia.” ECF 6, p. 1. They cite the circumstances of one individual, Artak
13 Ovsepien, to corroborate this statement. As counsel for Respondents is aware,
14 undersigned counsel represented Mr. Ovsepien, and the circumstances surrounding
15 his deportation have been discussed in another habeas petition and TRO pending
16 before The Honorable Judge Murillo, in which Attorney Beck also represents
17 Respondents (case 5:25-cv-02599-SRM-DTB). However, Respondents’ conduct in
18 the *Ovsepien* matter underscores the lack of credibility of their statements in this
19 matter.
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24 First, Mr. Ovesepian was detained by ICE on June 9, 2025, but Respondents
25 did not serve him with a Notice of Revocation until September 30, 2025, after the
26 court in that matter ordered them to respond to the allegations surrounding
27 procedural violations in his OSUP revocation. *See* 5:25-cv-01937-MEMF-DFM,
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1 ECF 1 (habeas petition stating date of detention, filed July 28, 2025); ECF 37
2 (order of Magistrate Judge McCormick dated September 25, 2025, noting that
3 “Respondents had not addressed Petitioner’s allegations regarding their purported
4 non-compliance with federal regulations governing re-detention”); ECF 38-1
5 (Declaration of DO Enrique Chavez, dated October 1, 2025, stating he served Mr.
6 Ovsepien with a Notice of Revocation on September 30, 2025). Second, they filed
7 a declaration from DO Chavez on October 8, 2025, indicating that “Armenia has
8 agreed to accept [Mr. Ovsepien] for repatriation and to issue travel documents.”
9 ECF 40-2. Despite Mr. Ovsepien, through undersigned counsel, requesting that
10 ICE produce said travel documents, given their history of lying to their own
11 attorney about whether Mr. Ovsepien had been deported (ECF 41), Respondents
12 never produced any travel documents or other correspondence from the Republic of
13 Armenia confirming they had agreed to accept Mr. Ovsepien for repatriation.

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19 As undersigned counsel indicated to Judge Murrillo and Attorney Beck at a
20 TRO hearing on October 10, 2025 in Case 5:25-cv-02599-SRM-DTB, Mr.
21 Ovsepien was deported on approximately October 8, 2025. Upon arrival in
22 Armenia, he was informed that no travel documents had been issued for his return,
23 and he was offered the option to apply for Armenian citizenship at the airport. He
24 chose to do so and authorized a voluntary dismissal of his habeas petition
25 accordingly, rather than challenge the lawfulness of his deportation. However, to
26 this day, it remains unclear what would have happened to Mr. Ovsepien if he had
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1 declined to apply for citizenship at the Armenian airport – he may have faced
2 continued detention by Armenian authorities, return to Respondents’ custody in the
3 United States, or re-deportation to an unknown third country.
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5 As for the decision in *Jama v. ICE*, 543 U.S. 335 (2005), Petitioner
6 concedes that the Supreme Court found no statutory prohibition on deporting Mr.
7 Jama to Somalia without advance consent from the Somali government. Of course,
8 his story is a cautionary tale of what happens when Respondents attempt to deport
9 someone without receiving advance consent from the receiving country – Mr.
10 Jama’s privately chartered deportation flight was surrounded by armed militants
11 upon arrival in Somalia, and ultimately, had to lift off and return to the United
12 States; the District Court subsequently ordered his release. *See* Case 0:01-cv-
13 01172-JRT-AJB, ECF 152 (D. Minn. May 20, 2025).
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18 More relevant to this matter is that Respondents have produced no evidence
19 that travel documents for Petitioner have even been requested, let alone issued, by
20 the Armenian government. Though Respondents fault what they characterized as
21 Petitioner’s noncompliance for this state of affairs, as discussed below, Petitioner’s
22 obligation to assist in the procurement of travel documents does not extend to an
23 obligation to apply for citizenship in Armenia, and Respondents have not addressed
24 Petitioner’s allegation that the form brought to him by Officer Trinidad was
25 actually an application for Armenian citizenship, not an application for travel
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documents. The last correspondence from the Armenian consulate in this matter is the letter dated February 5, 2007, declining to issue travels to Petitioner because he is not an Armenian citizen. *See* [ECF 1-5](#). Thus, whatever general change in political relations may exist between the United States and Armenia, Respondents have not established that it impacts their ability to deport Petitioner.

D. Refusal to Apply for Armenian Citizenship

Petitioner declared that Officer Trinidad has twice brought him an application for Armenian citizenship and informed him that he is required to sign it. *See* [ECF 1-3](#). DO Palacios declared that Petitioner twice refused to “cooperate with ICE’s efforts to obtain a travel document to Armenia,” though she provides no details on how Petitioner has refused to cooperate. *See* [ECF 6-1](#). There is no assertion that he has been provided with an application for travel documents (rather than Armenian citizenship). No copy of any such document – partially completed, blank, unsigned or otherwise – has been submitted to the Court. Respondents do not deny that ICE officials have tried to coerce Petitioner into applying for Armenian citizenship.

In the *Ovsepian* matter, Respondents pursued the argument that the duty to apply for travel documents included a duty to apply for Armenian citizenship. *See* Case 5:25-cv-01937-MEMF-DFM, [ECF 27](#). They cited the decision in *Pelich v. INS*, [329 F.3d 1057](#) (2003) as support for their position. Though Respondents have

1 not explicitly raised this argument in the instant case, Petitioner will anticipatorily
2 respond to it.

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4 Pelich was born in Poland, identified himself as a Polish national on his
5 refugee application, and obtained a permanent resident card in the United States
6 that reflected Polish nationality. *See Pelich*, 329 F.3d at 1058. He also claimed
7 German nationality based on his father's place of birth. *Id.* It was only after he
8 was convicted of embezzlement and interviewed by INS officers that he claimed
9 his father was born in Israel and his mother was born in Monaco and tried to
10 disclaim his otherwise undisputed Polish nationality. *Id.* He then refused to fill out
11 a Polish passport application, which was required by the Polish embassy to
12 ascertain if he was a citizen, and therefore, to issue him travel documents if he was,
13 indeed, a Polish citizen. *Id.* at 1059.

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18 Petitioner, on the other hand, has already been deemed by the Armenian
19 government to **not** be an Armenian citizen. *See ECF 1-5*. This is not a
20 circumstance in which the Armenian government lacks sufficient information to
21 confirm Petitioner's citizenship (and thus, to issue him a travel document if he is an
22 Armenian citizen), as the Polish embassy lacked sufficient information to confirm
23 Pelich's citizenship. Rather, it is a case where the Armenian government has
24 confirmed that Petitioner is not an Armenian citizen, and Respondents now seek to
25 force him to apply for citizenship in a country to which he has no legal connection.
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1 Unlike Pelich, there is no reason to believe that Petitioner “could likely
2 effectuate his own removal (and free himself from detention) by providing the
3 [Armenian] government with the requested information.” *Pelich*, 329 F.3d at 1061.
4 Respondents do not argue that the Armenian government is requesting any
5 additional information to ascertain Petitioner’s citizenship – nor could they, given
6 that the Armenian government has already determined he is not a citizen. Indeed,
7 just as “the Polish government [was] in a better – some might say unique –
8 position” to determine if Pelich was a Polish citizen, the Armenian government is
9 the sole determiner of whether Petitioner is an Armenian citizen. *Id.* He is not.
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13 Accordingly, there is no evidence, other than a generalized statement by DO
14 Palacios, that Petitioner has failed to cooperate in the procurement of travel
15 documents. There is evidence – in the form of Petitioner’s declaration and
16 Respondents’ litigation position in the *Ovsepian* matter – that Respondents are, in
17 fact, trying to coerce Petitioner into applying for Armenian citizenship, rather than
18 travel documents, something that he has no legal obligation to do. His refusal to
19 apply for citizenship should not be conflated with a refusal to apply for travel
20 documents.
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24 **E. Third Country Removal**

25 Respondents argue a TRO barring removal to a third country is improper
26 because there is no evidence that the government is seeking to remove him to a
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1 third country. *See* ECF 6. This ignores Petitioner's declaration that the first ICE
2 officer to meet with him in Adelanto indicated that he had with him an application
3 for travel documents to Russia, not Armenia. This statement, combined with the
4 DHS memo authorizing such third country deportations, is sufficient to justify the
5 requested relief.
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7 8 **III. CONCLUSION**

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10 For these reasons, as well as those specified in the initial moving papers,
11 Petitioner respectfully asks this Court to order his immediate release from custody.
12

13 **RESPECTFULLY SUBMITTED this 5th day of November, 2025**

14 /s/ Sabrina Damast

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