ANDRES ORTIZ LAW
ANDRES ORTIZ (CSBN 279239)
4201 LONG BEACH BLVD., STE 326
LONG BEACH, CA 90807
PH. 657-243-3768
ANDRES.ORTIZ@ANDRESORTIZLAW.COM

Attorneys for Garo Vartanyan

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Garo Vartanyan, Petitioner, v. Kristi Noem, Secretary of the Department of Homeland Security; et. al, Respondents.	Case No.: Case 5:25-cv-03205-JFW-BFM ***EX-PARTE* APPLICATION FOR TEMPORARY RESTRAINING ORDER** Filed pursuant to FRCP 65(b) and L.R. 7-19 and 65.1 Request to refer the Petition to the assigned Magistrate under 28 U.S.C. § 636(b)(1)(A), (B) and General Order 05-07

APPLICATION FOR A TEMPORARY RESTRAINING ORDER

Undersigned counsel files this *ex parte* application for a temporary restraining order (TRO) on behalf of the Petitioner Garo Vartanyan (Mr. Vartanyan) because he was re-detained in excess of Immigration and Customs Enforcement's (ICE) constitutional, statutory, and regulatory authority. Mr. Vartanyan is a native and citizen of Azerbaijan, but [redacted] He had previously been a

refugee and permanent resident. Mr. Vartanyan was removed in 2013 after being detained by immigration after he finished a prison sentence for possession of a controlled substance. He was ordered removed in December, 2013 and was released from immigration custody after the 180-day post-removal period on an Order of Supervision (OSUP). For the past 12 years, he has not suffered an OSUP violation.

Mr. Vartanyan is married to a United States Citizen. Since being released from custody, the Petitioner has been a productive member of society; he owns two businesses and his wife is a licensed marriage and family therapist. They would love to start a family. The Petitioner is the primary caretaker for his elderly mother.

Mr. Vartanyan was detained on November 25, 2025 because of "changed circumstances." He was accused of being convicted of being a felon in possession of a firearm; however, those counts were dismissed as part of the plea negotiations. Even worse, this criminal case occurred *before* removal proceedings commenced- thus, undermining any straight-faced argument of a "change in circumstances" that occurred *after* the OSUP was issued. On the day he was re-detained, Mr. Vartanyan was not given any letter or other written information explaining the reason for the detention. He was not interviewed about the reasons for the re-detention. By failing to do so, the Respondents violated 8 C.F.R. § 241.13(l)-(3), which explains the reasons and procedures the government *must follow* when revoking a noncitizen's OSUP. Indeed, the Central District of California recently addressed this nearly identical issue in *Delkash v. Noem*, 5:25-cv-01675-HDV-AGR (Dckt. 18) (granting the preliminary injunction, and ordering the Petitioner's immediate release from custody because ICE failed to comply with the regulatory provisions outlined in 8 C.F.R. § 241.13(l)-(3)).

According to 8 C.F.R. § 241.13(l)-(3), the agency may revoke an OSUP if (1) the noncitizen violated a reasonable term of his supervision or (2) DHS determined there is a *significant likelihood* the noncitizen will be removed in the near future.

See 8 C.F.R. § 241.13(i)(1), (2). If the agency chooses to revoke supervision, the government must: (1) have an appropriate official decide revocation is warranted; (2) inform the noncitizen of the specific basis—either a violation of release conditions or a significant likelihood of removal to a third country; and (3) afford the noncitizen a prompt chance to present rebuttal evidence explaining why detention is unwarranted. *See* 8 C.F.R. § 241.13(i)(3). Here, the Respondents failed to name the specific 8 C.F.R. § 241.13 subsection he was detained under. Failing to follow these procedures entitles the noncitizen to immediate release. *See Delkash*, 5:25-cv-01675-HDV-AGR *1 ("Rules matter. Hearings matter. In recognition of this cornerstone principle of our jurisprudence, a growing chorus of district courts have found that—in similar cases—the government's unlawful detention and revocation of withholding warrants immediate release.") (Dckt. 18).

None of the regulatory provisions have been followed. Therefore, immediate release from custody is warranted.

Finally, in the absence of any probative documentation, Mr. Vartanyan fears that he will be removed to a third country without notice or an opportunity to challenge the removal through a reasonable fear proceeding. At the behest of the Respondent Kristi Noem's "Noem Memo," ICE has begun removing some noncitizens to a third country without notice or an opportunity to challenge the removal through the proscribed legal avenues. Undersigned counsel has found no court that has addressed the Noem Memo and determined that it is constitutional.

As a result of the Respondents' conduct, the Petitioner is suffering, judicial intervention is needed. The TRO must be granted to maintain the status quo during the pendency of the petition.

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Date: 12/14/25

Respectfully submitted,

/s/ Andres Ortiz
Andres Ortiz, Esq.
Andres Ortiz Law
Attorney for the Petitioner

VERIFICATION

I, Andres Ortiz, hereby declare under penalty of perjury of the laws of the State of California and the United States that the facts alleged in the foregoing ***Ex-Parte Application for Temporary Restraining Order*** are to the best of my knowledge true and correct.

Executed on this 14th day of December, 2025 in Long Beach, CA.

By: *s/Andres Ortiz*
Andres Ortiz, Esq.
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Ex-Parte Application for Temporary Restraining Order* in *Garo Vartanyan v. Noem et. al*, with the Clerk of the Court for the Central District of California by using the CM/ECF December 16, 2025, for filing and transmittal of Notice of Electronic Filing

/s/ Andres Ortiz
Andres Ortiz, Esq.
Attorney for Petitioner