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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Tigran GADYAN,

Petitioner,

v.

Kristi NOEM, Secretary, U.S. Department of Homeland Security; Pamela BONDI, U.S. Attorney General; Todd LYONS, Acting Director, Immigration and Customs Enforcement; Jaime RIOS, Acting Director, Los Angeles Field Office, Immigration and Customs Enforcement, Enforcement and Removal Operations; Fereti SEMAIA, Warden, Adelanto ICE Processing Center; IMMIGRATION AND CUSTOMS ENFORCEMENT; and U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

Case No. 25-cv-03219

PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE RE: MOOTNESS

TO THE HONORABLE MAGISTRATE JUDGE JOHN D. EARLY:

Counsel for Petitioner submits this Response to the Court's Order of January 16, 2026. ECF No. 18 ("Order"). In the Order, the Court ordered that Petitioner file a response addressing why this case is not moot.

PETITIONER'S CLAIMS REMAIN JUSTICIABLE BECAUSE PETITIONER RUNS A NON-SPECULATIVE RISK OF UNLAWFUL REDETENTION

In his habeas petition, Petitioner requested, *inter alia*, an order (1) ordering Respondents to immediately release Petitioner from custody; and (2) enjoining Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community. ECF No. 1, pp. 19-20.

While Petitioner was released from Respondents' custody on December 18, 2025 pursuant to this Court's preliminary injunction, he was released on an order of supervision ("OSUP"). Per the OSUP, he must periodically check in with Immigration and Customs Enforcement ("ICE"). *Id.* Therefore, Petitioner continues to face an imminent and nonspeculative risk of detention.

Courts have found that risk of detention even while a petitioner is still at liberty may provide a sufficient basis to grant relief. *See, e.g., Garro Pinchi v. Noem*, --- F. Supp. 3d ---, 2025 WL 3691938, at *32 (N.D. Cal. Dec. 19, 2025) (rejecting argument that "assertions of [plaintiffs'] likely detention" at ICE check-ins and courthouses

"are too speculative and conclusory"); *Sun v. Santacruz*, No. 5:25-CV-02198-JLS-JC, 2025 WL 2730235, at *7 (C.D. Cal. Aug. 26, 2025) (collecting cases of other district courts within the Ninth Circuit finding "jurisdiction over habeas corpus petitions and related motions seeking to enjoin the government from re-detaining petitioners at in-person check-in appointments with immigration authorities"); *Torosyan v. Nielsen*, No. 2:18-CV-5873-PSG (SK), 2018 WL 5784708, at *2 (C.D. Cal. Sept. 27, 2018), report and recommendation adopted, No. 218CV5873PSGSK, 2018 WL 6167918 (C.D. Cal. Oct. 26, 2018) (granting motion for preliminary injunction where petitioner was at liberty but faced detention "at any time").

Petitioner's claims are not moot simply because he has been released by Respondents, as numerous individuals in the same or similar circumstances as Petitioner have been detained at immigration check-in appointments absent notice and a hearing. *See, e.g., Esmail v. Noem,* No. 2:25-CV-08325-WLH-RAO, 2025 WL 3030590 (C.D. Cal. Sept. 12, 2025) (CAT grantee detained at routine ICE check-in); *Khan v. Noem*, No. 1:25-CV-01411-EPG-HC, 2025 WL 3089352 (E.D. Cal. Nov. 5, 2025) (OSUP revoked during routine check-in); *Hashemi v. Noem*, 2:25-cv-10335-HDV-SP (C.D. Cal. Nov. 19, 2025) (same). Thus, there is a tangible risk that, absent a TRO, ICE will rearrest and re-incarcerate Petitioner at his upcoming ICE check-in on March 3, 2026. *See* Exhibit A.

In their response to this Court's order to show, Respondents rely on two cases involving the government's failure to provide a bond hearing. In *Zaragoza Mosqueda*

v. Noem et al., 5:25-cv-002304-CAS-BFM (C.D. Cal. Sept. 16, 2025), the court held that the request for a preliminary injunction was moot because all petitioners received bond hearings pursuant to the court's order requiring hearings within seven days. Id. at 2. Similarly, in *Coc Tut v. Noem*, 5:25-cv-02701-DOC-AGR (C.D. Cal. Oct. 30, 2025), the preliminary injunction was moot because detainees received bond hearings under a prior court order. By contrast, Petitioner seeks relief that has not been fully realized, namely an order preventing re-detention absent compliance with governing regulations. Because that relief remains outstanding, Petitioner's claims are not moot. Petitioner requests that this Court issue a final order enjoining Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community.

Only a final order from this Court on the merits of Petitioner's outstanding claims will ensure that his rights are preserved.

Respectfully Submitted,

DATED: January 21, 2026

s/ Keli M. Reynolds
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Attorney for Petitioner