Sabrina Damast (CA SBN #305710 and NY SBN #5005251)
Amy Lenhert (CA Bar #227717)
Rocio La Rosa (CA Bar #314831)
Law Office of Sabrina Damast, Inc.
510 West 6th Street, Suite 330
Los Angeles, CA 90014
Telephone: (323) 475-8716
Emails: sabrina@sabrinadamast.com
amy@sabrinadamast.com
rocio@sabrinadamast.com

Counsel for Petitioner
Tigran Tiraturian

UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

Tigran Tiraturian, Alien # [redacted],

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,

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

JAIME RIOS, in his official capacity as Acting ICE Field Office Director,

Respondents.

Case No. 5:25-cv-03239

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

IMMIGRATION HABEAS CASE

1. Tigran Tiraturian (Petitioner), by and through his undersigned counsel, hereby files this petition for a writ of habeas corpus challenging the unlawful revocation of his release on an order of supervision (OSUP) and his continued detention without belief that his removal from the United States is reasonably foreseeable.

2. Petitioner is a citizen of the former Soviet Union. He first arrived in the United States as a refugee on or about April 20, 1988. *See* Exhibit C. He was subsequently granted permanent residency in the United States, retroactive to his date of entry. *Id.* On December 10, 2002, he was convicted of a violation of section 12021(a)(1) of the California Penal Code (felon in possession of a firearm). *Id.* The Department of Homeland Security (DHS) commenced removal proceedings against based on that conviction, charging him with deportability under 8 U.S.C. § 1227(a)(2)(C) (firearms conviction) and 8 U.S.C. § 1227(a)(2)(A)(iii) (firearms related aggravated felony). *Id.* On October 16, 2003, Petitioner was ordered removed. *Id.*

3. While in custody, Petitioner requested travel documents from the governments of Armenia and Russia. *See* Exh. D.

4. In approximately February 2004, Petitioner was released from the custody of Immigration and Customs Enforcement (ICE) and placed on an OSUP. *See*

Exhibit A. On information and belief, Petitioner was released because the Armenian government declined to issue travel documents. Petitioner was re-detained at an ICE check-in on November 25, 2025. *See* Exhibit A. He was transferred to the Adelanto Detention Facility on the same day, where he remains detained. *Id.*

5. Petitioner was given no notice of ICE's intention to re-detain him, and he was not provided with any information about why his OSUP was revoked. Since his detention, he has been provided a Notice of Revocation signed by a Supervisory Detention and Deportation Officer (SDDO). *Id.*

6. Since being detained, Petitioner has not been provided with an informal interview regarding any reasons for the revocation of his OSUP. *Id.*

7. On information and belief, ICE had no particularized evidence that Petitioner could be deported to any country at the time they detained him and continue to have no particularized evidence that Petitioner can be removed at this time.

8. Petitioner has not received an individualized hearing before a neutral decisionmaker to assess whether his recent re-detention is warranted due to danger or flight risk.

PARTIES

9. Petitioner Tigran Tiraturian is a citizen of the former Soviet Union, who is currently in the custody of ICE in Adelanto, California.

10. Respondent Pamela Bondi, the Attorney General, is the highest-ranking official within the Department of Justice (DOJ). Respondent Bondi has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103. As the Immigration and Nationality Act (INA) has not been amended to reflect the designation of the Secretary of the Department of Homeland Security (DHS) as the administrator and enforcer of immigration laws, Respondent Bondi is sued in her official capacity to the extent that 8 U.S.C. § 1102 gives her authority over immigration law.

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

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

13. F. Semaia is the warden of the Adelanto Detention Facility. He is sued in his role as Petitioner's immediate custodian.

14. Respondent Jaime Rios is the Acting Field Office Director of the Los

Angeles office of Immigration and Customs Enforcement. He oversees the custody of all Immigration and Customs Enforcement detainees in both Los Angeles and Adelanto. Respondent Rios is sued in his official capacity as an agent of the government of the United States.

JURISDICTION AND VENUE

15. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general federal question jurisdiction; the Administrative Procedure Act (APA); habeas jurisdiction pursuant to 28 U.S.C. § 2241 et seq.; Art I., § 9, Cl. 2 of the United States Constitution (the Suspension Clause); and the common law. This action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution and the INA. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2001 et seq., and the All-Writs Act, 28 U.S.C. § 1651.

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

17. This Court must have jurisdiction under the Suspension Clause, notwithstanding statutory provisions that otherwise deprive the Courts of

jurisdiction over executions of removal orders, to review the actions of the executive branch's enforcement of the immigration laws if those actions violate the Constitution by depriving Petitioner of due process or other constitutional rights. *Compare* Suspension Clause *with* 8 U.S.C. § 1252(g); *see also Reno v. Am.-Arab Anti Discrimination Comm.*, 525 U.S. 471, 482 (1999). The Suspension Clause protects the right to the writ of habeas corpus where, as here, no adequate or effective alternative remedy exists. *See Boumediene v. Bush*, 553 U.S. 723 (2008).

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

LEGAL BACKGROUND

19. 8 U.S.C. § 1231(a) governs the detention of individuals who have been ordered removed. The statute directs ICE to detain such individuals for 90 days while carrying out a removal order. *See* 8 U.S.C. § 1231(a)(2). This 90-day removal period begins when the removal order becomes final.

Absent an applicable exception, if ICE cannot remove a person within the 90-day removal period, he or she is released from custody subject to supervision. 8 U.S.C. § 1231(a)(3).

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

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

22. ICE may withdraw its approval for the release of a non-citizen if it can effectual the individual's removal from the United States "in the reasonably foreseeable future" or if the individual fails to comply with the conditions of release. 8 C.F.R. § 241.13(h)(4). ICE may only revoke a non-citizen's release if "there is a significant likelihood that the [non-citizen] may be

removed in the reasonably foreseeable future." *Id.* at § 241.13(i)(2). "Upon revocation, the [non-citizen] will be notified of the reasons for revocation of [] her release." *Id.* at § 241.13(i)(3).

23. Only certain officials have the authority to revoke an OSUP - namely, the Executive Associate Commission of the former Immigration and Naturalization Service, or, possibly, the current Executive Associate Director of ICE. *See e.g.*, *Rombot v. Souza*, 296 F.Supp.3d 383, 385 (D. Mass. Nov. 8, 2017) (noting that the regulation, on its face, refers to titles in force under the former INS, and thus, it is not clear an ICE Field Office Director can revoke an order of supervision to enforce a removal order); *see also Ceesay v. Kurzdorfer*, 781 F.Supp.3d 137, 162 (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).

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

25. Moreover, notice of the reasons for the revocation of release must be provided before re-detaining an individual on an OSUP, to provide timely notice of the reasons for the 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). Failure to provide a detainee with meaningful notice of the reasons for the revocation deprives her of the opportunity to be heard on why she should remain at liberty. *See e.g.*, *Perez-Escobar v. Mariz*, --- F. Supp.3d ----, 2025 WL 2084102, * 2 (D. Mass. July 24, 2025) (finding that a Notice of Revocation that stated that there is a significant likelihood of removal in the reasonably foreseeable future, that the purpose of release had been served, and that it was appropriate to enforce the removal order "does not identify any specific changed circumstances" and fails to give the petitioner "meaningful notice of the basis for its revocation" and ordering the petitioner's immediate release).

26. Since the entry of a removal order against Petitioner, the Ninth Circuit has determined that convictions under California statutes using the term "firearms" are not deportable offenses because California defines firearms to include antique firearms, which are excluded from the federal definition of a firearm. *See U.S. v. Aguilera-Rios*, 769 F.3d 626, 637 (9th Cir. 2014) (section 12021(c)(1) of the California Penal Code is not a firearms-related

aggravated felony); *U.S. v. Hernandez*, 769 F.3d 1059, 1063 (section 12021(a)(1) of the California Penal Code is not an aggravated felony); *Medina-Lara v. Holder*, 771 F.3d 1106, 1116-1117 (9th Cir. 2014) (finding that the holding in *Aguilera-Rios* applies to "any California statute based on the definition of 'firearm' formerly appearing at § 12001(b)" and holding that Medina-Lara's conviction under section 12022 of the California Penal Code is not a firearms offense under 8 U.S.C. § 1227(a)(2)(C)).

27. The Ninth Circuit held in *Vega-Anguiano v. Barr*, 982 F.3d 542, 547-48 (9th Cir. 2019) that executing a removal order predicated on a conviction that would no longer support a finding of deportability constitutes a gross miscarriage of justice and a violation of the non-citizen's due process rights, preventing the Department of Homeland Security (DHS) from reinstating that order if the non-citizen was physically deported but subsequently reentered illegally.

FIRST CAUSE OF ACTION

UNLAWFUL REVOCATION OF RELEASE

28. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-27.

29. Petitioner was previously detained by ICE and released. Respondents have the authority to revoke his release if there are changed circumstances, such

that there is now a significant likelihood that they can remove him in the reasonably foreseeable future. *See* 8 C.F.R. § 241.13(i)(2).

30. Respondents revoked Petitioner's release without evidence that he could be deported to any country.

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

SECOND CAUSE OF ACTION

VIOLATION OF PROCEDURES FOR REVOCATION OF RELEASE

32. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-27.

33. The governing regulations require Respondents to notify Petitioner of the reason for his re-detention. 8 C.F.R. § 241.13(i)(3). Respondents have not complied with this obligation because the Notice of Revocation is vague and fails to provide adequate notice of what changed circumstances allegedly justify re-detention. The Notice was also served after Petitioner had already been re-detained, which does not comply with the obligation to provide notice prior to re-detaining a non-citizen. In addition, the Notice is signed by an SDDO, an official who lacks authority to revoke a non-citizen's release. Respondents have not yet provided Petitioner with an initial interview at

which he can respond to the purported reasons from revocation. *Cf. id.* As such, Petitioner is entitled to immediate release on OSUP until ICE can provide the minimal process required by the regulation.

THIRD CAUSE OF ACTION

UNLAWFUL DETENTION WITHOUT INDIVIDUALIZED DETERMINATIONS OF DANGER OR FLIGHT RISK

34. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-27.

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

36. Before being re-detained, Petitioner lived in the community for the last 21 years. During that time, he married, raised two children, and was gainfully employed. Petitioner has received no process to determine if his re-detention is warranted.

37. Petitioner is entitled to an individualized determination by an impartial adjudicator as to whether detention is justified based on danger or flight risk.

FOURTH CAUSE OF ACTION

DETENTION OF PETITIONER VIOLATES THE ADMINISTRATIVE PROCEDURE ACT

38. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-27.

39. Under the APA, "the final agency action for which there is no other adequate remedy in court [is] subject to judicial review." 5 U.S.C. § 704. The reviewing court "shall . . . hold unlawful and set aside agency action, findings, and conclusions found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law," or "unsupported by substantial evidence." 5 U.S.C. § 706(2)(A), (E). A court reviewing agency action "must assess . . . whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment; it must "examine the reasons for agency decisions – or, as the case may be, the absence of such reasons." *Encino Motorcars LLC v. Navarro*, 136 S. Ct. 2117, 2125 (2016) (quoting *Motor Vehicles Mfrs. Assn of U.S. State Farm Mut. Auto Ins. Co.*, 462 U.S. 29, 43 (1983)); *Judulang v. Holder*, 565 U.S. 42, 53 (2011) (quotations omitted).

40. Removing Petitioner would violate the APA because the conviction underpinning his removal order is no longer considered a removal offense, and thus, detention on the basis of the invalid removal order is unlawful. 5

U.S.C. § 706; *Aguilera-Rios*, 769 F.3d at); *Hernandez*, 769 F.3d at 1063; *Medina-Lara*, 771 F.3d at 1116-1117; *Vega-Anguiano*, 982 F.3d at 547-48; *Kazarian v. U.S.C.I.S.* (9th Cir. 2010) (agency action is arbitrary and capricious if based on misunderstanding of the law).

FIFTH CAUSE OF ACTION

PETITIONER'S DETENTION VIOLATES THE LAW BECAUSE HE IS NOT SUBJECT TO AN ENFORCEABLE REMOVAL ORDER

41. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-27.

42. Petitioner's removal order is no longer enforceable because the conviction underpinning it (felon in possession of a firearm) is not a deportable offense. *Aguilera-Rios*, 769 F.3d at); *Hernandez*, 769 F.3d at 1063; *Medina-Lara*, 771 F.3d at 1116-1117; *Vega-Anguiano*, 982 F.3d at 547-48

43. Thus, it is unlawful to detain Petitioner based on an unenforceable removal order.

SIXTH CAUSE OF ACTION

PETITIONER'S DETENTION VIOLATES THE SUSPENSION CLAUSE

44. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-27.

45. Even assuming that Petitioner is subject to an enforceable removal order, allowing him to be detained without any opportunity for meaningful review of the lawfulness of that order – considering the intervening Ninth Circuit case law – would violate the Suspension Clause.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Declare that Respondents have violated Petitioner's rights;
3. Order Respondents to immediately release Petitioner on an OSUP;
4. Order Respondents to release Petitioner from detention because he is not subject to an enforceable removal order;
5. Order Respondents to release Petitioner from detention because they lack any individualized evidence that removal of Petitioner will occur in the reasonably foreseeable future;
6. Order Respondents to release Petitioner from detention absent an individualized determination by an impartial adjudicator that his detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release and/or supervision;
7. Enjoin Respondents from revoking Petitioner's release unless they have individualized evidence that his removal is reasonably foreseeable;

8. Enjoin Respondents from revoking Petitioner's release without providing him with a determination by an impartial adjudicator that his detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release and/or supervision, at which hearing Respondents will bear the burden of proof of demonstrating that Petitioner is a flight risk or a danger to the community;
9. Enjoin Respondents from re-detaining Petitioner without first notifying him of the reasons for the revocation of his release, providing him with an opportunity to rebut those reasons, and providing him with a prompt interview as required by regulation;
10. Enjoin Respondents from re-detaining Petitioner without an authorized official making the determination that his release should be revoked;
11. Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any further basis justified under law;
12. Grant such further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 2nd day of December, 2025

/s/ Sabrina Damast
Sabrina Damast, CA Bar # 305710, NY Bar # 5005251
Amy Lenhert, CA SBN #227717
Rocio La Rosa, CA SBN#314831
Law Office of Sabrina Damast, Inc.
510 West 6th Street, Suite 330
Los Angeles, CA 90014
(O) (323) 475-8716

(E) sabrina@sabrinadamast.com
amy@sabrinadamast.com
rocio@sabrinadamast.com

TABLE OF EXHIBITS

Exhibit A: Declaration of Petitioner and Counsel

Exhibit B: Proof of Family Ties

Exhibit C: Notice to Appear, Form I-261, and Order of Removal

Exhibit D: Requests for Travel Documents