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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

TIGRAN TIRATURIAN,

Petitioner,

v.

PAMELA BONDI, *et al.*

Respondents.

No. 5:25-cv-03239-WLH-DFM

RESPONDENTS' ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS

Hon. Douglas F. McCormick
United States Magistrate Judge

Petitioner Tigran Tiraturian, who has a final order of removal directing his removal to Armenia and was therefore taken into immigration custody on November 25, 2025 to effectuate his removal, filed a petition for writ of habeas corpus asking the Court to order his release. *See* Pet. for a Writ of Habeas Corpus ("Petition"), Docket No. 1. Through his *ex parte* application for temporary restraining order, he then requested the same relief. *See Ex Parte* Motion for a Temporary Restraining Order (the "TRO Application"), Docket No. 3. Respondents opposed. *See* Opp'n, Docket No. 5.

On December 8, 2025, the Court granted the TRO Application, ordering Respondents to release Petitioner from immigration custody. *See generally* TRO, Docket No. 6. On or about December 9, 2025, Petitioner was released from custody in compliance with the TRO. On December 19, 2025, the Court entered a preliminary injunction (PI), enjoining Petitioner's further detention unless he is provided proper due process necessary for the revocation of an Order of Supervision. *See generally* PI Order, Docket No. 10.

Because Respondents have already provided in their TRO Application-related opposition papers fulsome briefing on the issues raised in the Petition (which Respondents incorporate herein by reference, *see* Opp'n § IV), no separate issue needs to be substantively addressed by an Answer at this juncture. Nonetheless, Respondents further maintain that Petitioner has already obtained the complete relief sought in his Petition over which this Court has jurisdiction. *See, e.g.*, Petition ¶ 1 (requesting release from detention); *cf. Pinson v. Carvajal*, 69 F.4th 1059, 1077 (9th Cir. 2023) ("Because [petitioner's] claims lie outside the historic core of habeas corpus, we conclude the district court properly found it lacked jurisdiction to hear [his] petition."), *cert. denied sub nom. Sands v. Bradley*, 144 S. Ct. 1382 (2024); *id.* at 1070 (explaining that "release from confinement is the only available remedy for claims at the writ's core"); *see also* 28 U.S.C. § 2241(c) ("The writ of habeas corpus shall not extend to a prisoner unless [h]e is in custody."). Because the government has already released Petitioner, the alleged injury—the detention itself—has ended, and there is no further relief for this Court to provide. As the Supreme Court has explained, once a challenged restraint has ceased to have any continuing effect, "mootness

. . . simply deprives us of our power to act; there is nothing for us to remedy, even if we were disposed to do so." *Spencer v. Kemna*, 523 U.S. 1, 18 (1998). "[T]he Ninth Circuit [too] has long held that [] 'the writ of habeas corpus is limited to attacks upon the legality or duration of confinement.'" *Pinson*, 69 F.4th at 1065 (citing *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979)); *see also Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) ("It is clear . . . from the common-law history of the writ . . . that the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody."); *Skinner v. Switzer*, 562 U.S. 521, 525 (2011) ("Habeas is the exclusive remedy . . . for the prisoner who seeks immediate or speedier release from confinement. Where the prisoner's claim would not necessarily spell speedier release, . . . suit may be brought under § 1983." (cleaned up)).

Nor can Petitioner salvage either his habeas claim or his request for injunctive relief by speculating that he might be re-detained unlawfully at some indefinite point in the future.[1] Article III requires a concrete, actual or imminent injury; mere speculation about possible future injury is insufficient. *See, e.g.*, *City of Los Angeles v. Lyons*, 461 U.S. 95, 102 (1983) (making plain that plaintiff must show an injury or threat of injury that is "real and immediate," not "conjectural" or "hypothetical"); *Whitmore v. Arkansas*, 495 U.S. 149, 158 (1990) ("Each of these cases demonstrates what we have said many times before and reiterate today: Allegations of possible future injury do not satisfy the requirements of Art. III. A threatened injury must be 'certainly impending' to constitute injury in fact."). Relatedly, the mere "possibility" of irreparable harm is insufficient to sustain his burden here. *See Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 22 (2008). Instead, he must show "immediate threatened injury." *Caribbean Marine Servs. Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *L.A. Mem'l Coliseum Comm'n v.*

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[1] To the extent Plaintiffs distinguishes injunctive and declaratory reliefs requested in the Petition, the Ninth Circuit is emphatic that "equitable judicial remedy" includes "declaratory relief." *Hodgers-Durgin v. de la Vina*, 199 F.3d 1037, 1044 (9th Cir. 1999); *cf. id.* ("In suits seeking both declaratory and injunctive relief against a defendant's continuing practices, the ripeness requirement serves the same function in limiting declaratory relief as the imminent-harm requirement serves in limiting injunctive relief.").

Nat'l Football League, 634 F.2d 1197, 1201 (9th Cir. 1980)). He cannot do so.

Indeed, providing any further prospective injunctive relief "based only on a possibility of irreparable harm is inconsistent with [the Supreme Court's] characterization of injunctive relief as an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter*, 555 U.S. at 22. "Absent a sufficient likelihood that [he] will again be wronged *in a similar way*," *Lyons*, 461 U.S. at 111 (emphasis added), Petitioner cannot establish standing to seek an injunction much less irreparable harm. *See, e.g.*, *Hai Chieu Dam v. Timothy Robbins*, 2:25-cv-08133-JWH-MAA, Docket No. 7 at 6 (C.D. Cal. Sept. 16, 2025) (declining to address whether petitioner was "in custody" because petition for an injunction barring re-detainment was not ripe). Recently, where a petitioner argued that "his future detention is not speculative because the call-in for a physical appointment is a typical ruse to re-detain noncitizens on supervised release, and that he still faces a risk of unlawful future detention," the court found that he "fail[ed] to sufficiently allege an injury or threat of injury because the event giving rise to the Petition has passed and Petitioner's alleged threat of future injury is too speculative and unripe" and relatedly that he "fail[ed] to present sufficient allegations or evidence of the threat of future injury to confer Article III standing." *J.P. v. Santacruz*, No. 8:25-CV-01640-FWS-JC, 2025 WL 2998305, at *4 (C.D. Cal. Oct. 24, 2025). Because Petitioner is no longer in custody, cannot show any continuing collateral consequence that this Court could redress via habeas, and relies only on speculative future harm, his habeas petition does not present an Article III case-or-controversy that this Court can redress. Without a live claim, he cannot show likelihood of success on the merits or irreparable harm.

No further relief is warranted and the Petition should thus be dismissed or denied.

Dated: January 6, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2

The undersigned, counsel of record for Respondents, certifies that the memorandum of points and authorities contains 1,143 words, which complies with the word limit of Local Rule 11-6.1.

Dated: January 6, 2026

/s/ Pushkal Mishra
PUSHKAL MISHRA