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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 Raphael GEVORGYAN,

Case No. 25-cv-03408

11 Petitioner,

12 v.

**PETITIONER'S REPLY IN
SUPPORT OF PRELIMINARY
INJUNCTION**

13 Kristi NOEM, Secretary, U.S.
14 Department of Homeland Security;
15 Pamela BONDI, U.S. Attorney General;
16 Todd LYONS, Acting Director,
17 Immigration and Customs Enforcement;
18 Jaime RIOS, Acting Director, Los
19 Angeles Field Office, Immigration and
20 Customs Enforcement, Enforcement and
21 Removal Operations; Fereti SEMAIA,
22 Warden, Adelanto ICE Processing
23 Center; IMMIGRATION AND
24 CUSTOMS ENFORCEMENT; and U.S.
25 DEPARTMENT OF HOMELAND
26 SECURITY,

27 Respondents.
28

REPLY IN SUPPORT OF PRELIMINARY INJUNCTION

Petitioner submits this reply to Respondents' Response to Order to Show Cause Regarding Preliminary Injunction ("Response"). ECF No. 11. On January 1, 2026, this Court granted, in part, Petitioner's application for a Temporary Restraining Order ("TRO") and (1) ordered that Respondents immediately release Petitioner on an Order of Supervision under the same conditions before his re-detention; and (2) enjoined Respondents from revoking Petitioner's release without adequate notice and a prompt informal interview. ECF No. 10, at 12-13.

In Respondents' Response, they argue that Petitioner's release from custody renders the preliminary injunction and habeas petition moot. ECF No. 11, *generally*. Respondents ask this Court to deny the preliminary injunction and dismiss the petition. *Id.* Petitioner disagrees and replies herein.

**PETITIONER'S CLAIMS REMAIN JUSTICIABLE BECAUSE
PETITIONER REMAINS IN CONSTRUCTIVE CUSTODY AND THERE IS
A NON-SPECULATIVE RISK OF UNLAWFUL REDETENTION**

The Supreme Court has "very liberally construed the 'in custody' requirement[.]" *Maleng v. Cook*, 490 U.S. 488, 492 (1989). A person need not be physically imprisoned to be in custody under the statute; instead, habeas relief is available where the individual is subject to "restraints not shared by the public generally." *Jones v. Cunningham*, 371 U.S. 236, 240 (1963). Here, Petitioner was released subject to an Order of Supervision ("OSUP"). This OSUP requires, *inter alia*, that Petitioner regularly check in with Respondent, Immigration and Customs

1 Enforcement (“ICE”). *See* Ex. A, Order of Supervision.

2 Petitioner need not be seeking immediate release of his custody pursuant to his
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4 OSUP for habeas corpus relief to be available. *See Preiser v. Rodriguez*, 411 U.S.
5 475, 487 (1973); *see also Rose v. Morris*, 619 F.2d 42, 43 (9th Cir. 1980). Rather,
6 given his present custodial arrangement, he may also bring a habeas challenge to
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8 “attack his future confinement” by ICE. *Preiser*, 411 U.S. at 487. He properly does
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10 so here by challenging his future unlawful re-detention for the purposes of removal
11 that is not reasonably foreseeable, in part because Deportation Officer (“DO”) Jenson
12 has not provided any assurances that it will not redetain him at his upcoming March
13 12, 2026 check-in appointment. *See, generally* ECF No. 11-1. The “writ is available”
14 under these circumstances. *See Preiser*, 411 U.S. at 487. This conclusion accords
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16 with those of several other district courts within the Ninth Circuit, which have
17 implicitly or explicitly found jurisdiction over habeas corpus petitions and related
18 motions seeking to enjoin the government from redetaining petitioners at in-person
19 check-in appointments with immigration authorities. *See, e.g., Diaz v. Kaiser*, 2025
20 WL 1676854 (N.D. Cal. June 14, 2025); *Garcia v. Bondi*, 2025 WL 1676855 (N.D.
21 Cal. June 14, 2025); *Ortega v. Kaiser*, (“*Ortega I*”) 2025 WL 1771438 (N.D. Cal.
22 June 26, 2025); *Ortega v. Kaiser* (“*Ortega II*”), 2025 WL 2243616, Case 5:25-cv-
23 02198-JLS-JC at *3 (N.D. Cal. Aug. 6, 2025); *Zakzouk v. Becerra*, 2025 WL
24 2097470, at *2 (N.D. Cal. July 26, 2025).

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28 Numerous individuals in the same or similar circumstances as Petitioner have

1 been detained at immigration check-in appointments absent notice and a hearing. *See*,
2 *e.g.*, *Esmail v. Noem*, No. 2:25-CV-08325-WLH-RAO, 2025 WL 3030590 (C.D. Cal.
3 Sept. 12, 2025) (CAT grantee detained at routine ICE check-in); *Khan v. Noem*, No.
4 1:25-CV-01411-EPG-HC, 2025 WL 3089352 (E.D. Cal. Nov. 5, 2025) (OSUP
5 revoked during routine check-in); *Hashemi v. Noem*, 2:25-cv-10335-HDV-SP (C.D.
6 Cal. Nov. 19, 2025) (same). Thus, there is a tangible risk that, absent a final order on
7 the habeas petition, ICE will rearrest and re-incarcerate Petitioner at his upcoming
8 ICE check-in on March 12, 2026 and all future check-ins. *See* Exhibit A. Petitioner
9 faces redetention at any time. *Torosyan v. Nielsen*, No. 2:18-CV-5873-PSG (SK),
10 2018 WL 5784708, at *2 (C.D. Cal. Sept. 27, 2018), report and recommendation
11 adopted, No. 218CV5873PSGSK, 2018 WL 6167918 (C.D. Cal. Oct. 26, 2018)
12 (granting motion for preliminary injunction where petitioner was nominally at liberty
13 but faced detention “at any time”).
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19 Petitioner seeks relief that has not been fully realized, namely an order
20 preventing re-detention absent compliance with governing regulations. Because that
21 relief remains outstanding, Petitioner’s claims are not moot. Petitioner requests that
22 this Court issue a preliminary injunction and a final order enjoining Respondents
23 from re-detaining Petitioner unless his re-detention is ordered at a custody hearing
24 before a neutral arbiter in which the government bears the burden of proving, by clear
25 and convincing evidence, that Petitioner is a flight risk or danger to the community.
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28 Only a preliminary injunction and subsequent final order on the merits of

1 Petitioner's claim will ensure that his right to be free from unlawful detention is
2 preserved.
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4 Respectfully Submitted,
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6 DATED: January 23, 2026

s/ Keli M. Reynolds
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Olmos & Reynolds Law Group, LLP
Attorney for Petitioner
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WORD COUNT CERTIFICATION

The undersigned, counsel of record for Petitioner certifies that this Memo contains
911 words, which complies with the word limit of L.R. 11-6.1.

s/ Keli M. Reynolds
KELI M. REYNOLDS
Attorney for Petitioner