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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Arman KESHESHIAN,

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-03478

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241; VERIFIED PETITION

PETITIONER'S DHS NO:

A[redacted]

INTRODUCTION

1. Petitioner Arman Kesheshian ("Petitioner"), by and through undersigned counsel, 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. In May of 1988, he entered the United States as a refugee with his family when he was fourteen years old. Thereafter, Petitioner adjusted status to that of a lawful permanent resident. On or about February 26, 1997, he was convicted of violating felony California Penal Code §§ 182(a) (conspiracy) in Los Angeles County case no. GA029855. He was sentenced to six years in prison.[1] On February 15, 2000, an Immigration Judge ordered Petitioner removed to Armenia. In or about May of 2000, Petitioner was released on OSUP as a result of the inability to secure travel documents during the 90-day period.

3. Petitioner's 2000 removal order remains unexecuted because he is stateless and does not possess nor can he obtain necessary travel documents. On information and belief, on multiple occasions including in 2000, 2012, and, most recently, 2025, the Armenian Consulate has informed ICE that Petitioner is not a citizen of Armenia and declined to issue him travel documents.

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[1] Petitioner has other criminal history prior to this conviction, but on information and belief, the conviction for conspiracy was the only conviction charged in the Notice to Appear.

4. On November 17, 2025, Petitioner appeared for a regularly scheduled check-in with Immigration and Customs Enforcement ("ICE"). The ICE officer told Petitioner to come back on December 4, 2025. On December 4, 2025, Petitioner was detained. The only information he was given for his re-detention was that he was being detained because of new policies in the Trump Administration. He was not given a notice or provided an interview. Petitioner has now been detained for two weeks and has not received any other explanation for his re-detention or an interview.

5. Petitioner is married to a U.S. citizen. Together, they have two adult U.S. citizen children.

6. 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.

7. Petitioner's detention on this basis violates his rights under the U.S. Constitution. All individuals within the United States have constitutional rights. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Petitioner's ongoing detention violates his Fifth Amendment right to due process, the Immigration and Nationality Act, and 8 U.S.C. § 1231(a)(6) and its implementing regulations.

8. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from custody and enjoining Respondents from re-detaining him

absent order of this Court or absent the provision of an interview where Petitioner can contest the reason for the revocation of his OSUP and demonstrate that his removal is not reasonably foreseeable.

JURISDICTION

9. Jurisdiction is proper and relief is available pursuant to 28 U.S.C. § 1331, general federal question jurisdiction; 5 U.S.C. §§ 701 et seq., 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.

10. 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.

11. 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).

VENUE

12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Central District of California, the judicial district in which Petitioner is currently detained.

13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims brought herein occurred in the Central District of California.

REQUIREMENTS OF 28 U.S.C. § 2243

14. The Court must grant a petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless a petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

15. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.,* 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

Petitioner

16. Petitioner (DHS No.[redacted] was arrested by ICE agents on November 12, 2025, in Burbank, California. He has been in immigration detention since that date. After arresting Petitioner, ICE did not set bond.

Respondents

17. Respondent Kristi Noem is the Secretary of U.S. Department of Homeland Security ("DHS"). She is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees Immigration and Customs Enforcement ("ICE"), which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner. She is sued in her official capacity.

18. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the BIA and immigration court system it operates, is a component agency. She is sued in her official capacity.

19. Todd Lyons is the Acting Director of ICE, a federal law enforcement agency within DHS. ICE's responsibilities include operating the immigration detention system. In his capacity as ICE Acting Director, Respondent Lyons exercises control over and is a custodian of persons held at ICE facilities nationally. He is Petitioner's immediate custodian and is responsible for Petitioner's detention. He is sued in his official capacity.

20. Respondent Jaime Rios is the Acting Director of the Los Angeles Field Office of ICE's Enforcement and Removal Operations division. As such, he is the custodian of all persons held at the ICE facilities within the Los Angeles Field Office. He is Petitioner's immediate custodian and is responsible for Petitioner's detention. He is sued in his official capacity.

21. Respondent Fereti Semaia is the Warden of the Adelanto ICE Processing Center, Adelanto, California, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

22. Respondent U.S. Department of Homeland Security ("DHS") is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

23. Respondent Immigration and Customs Enforcement ("ICE") is the agency within DHS responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

LEGAL FRAMEWORK

24. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)). These due process rights are both substantive and procedural.

25. 8 U.S.C. § 1231(a) governs the detention of individuals who have been ordered removed. 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.

26. The statute directs ICE to detain individuals ordered removed 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 exception, if ICE cannot remove a person within the 90-day removal period, they are released from custody subject to supervision. 8 U.S.C. § 1231(a)(3).

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

28. The government violates due process when it detains a noncitizen without complying with regulations that limit executive detention authority. Where DHS has promulgated procedures governing revocation of an order of supervision, failure to follow those procedures renders detention unlawful. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–68 (1954); *Zadvydas*, 533 U.S. at 690.

29. 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 25 years. *See* 8 C.F.R. § 241.4(j); 8 C.F.R. § 241.13(h).

30. ICE may withdraw its approval for the release of a non-citizen if it can effectuate 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 his [] release." *Id.* at § 241.13(i)(3).

31. 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. The justification of preventing flight, however, "is weak or nonexistent where removal seems a remote possibility at best." *Id.* at 690.

32. Respondents may remove a non-citizen to a third country (*i.e.*, a country in which the non-citizen does not hold citizenship) if removal to their country of citizenship is impractical, inadvisable or impossible. *See* 8 U.S.C. § 1231(b)(2)(E)(ii). However, DHS is barred from removing a non-citizen to a country where the non-citizen's life or freedom would be threatened because of five protected grounds. *Id.* at § 1231(b)(3)(A). In addition, DHS is barred from deporting a non-citizen to a country where they face a threat of torture. *See* 8 C.F.R. §§ 208.16-208.18.

FACTS

33. Petitioner was born in the former USSR on [redacted] and is stateless. Petitioner has resided in the United States since 1988 when he was only 14 years old. He entered the country as a refugee along with his parents.

34. Petitioner is married to a U.S. citizen and together, they have two adult U.S. citizen children.

35. On or about February 26, 1997, he was convicted of violating felony California Penal Code §§ 182(a) (conspiracy) in Los Angeles County case no. GA029855. He was sentenced to six years in prison. After this, he was placed in removal proceedings and ordered removed on February 15, 2000. On information and belief, the order directed removal to Armenia.

36. On information and belief, ICE initiated the process to execute Petitioner's removal order shortly after he was ordered removed but was unsuccessful. On information and belief, the Consulate General of Armenia ("Consulate General") informed ICE that Petitioner is not a citizen of Armenia and declined to issue travel documents.

37. ICE officials released Petitioner with an OSUP in May of 2000 after it could not execute the removal order during the 90-day removal period.

38. In or about 2012, Petitioner was detained at the Adelanto ICE Processing Center for approximately 10 days, but was released with an OSUP, again because ICE could not execute the removal order.

39. On November 17, 2025, Petitioner appeared for a regularly scheduled interview with ICE. The ICE officer sent Petitioner to enroll in the Intensive Supervision Appearance Program ("ISAP"). The ICE officer scheduled Petitioner to return on December 4. The ISAP provided Petitioner a cell phone for tracking him. Petitioner was instructed to provide daily photographs of himself. Petitioner complied with the requirements.

40. Petitioner appeared for his scheduled interview with ICE on December 4, 2025. The officer told Petitioner that they would detain him because of changes under the Trump Administration. They did not provide Petitioner any other reason and did not give him any documents. No ICE officer has said anything to Petitioner about the possibility of deporting him to any country.

41. The only reason Petitioner has been given for his detention is that things have changed under the Trump Administration. The only conversation he has had with an ICE officer is when an officer came, took his picture, and said they were going to try to get him travel documents.

42. On information and belief, Armenia does not have any records of Petitioner. Although ICE claims Petitioner is a citizen of Armenia on its ICE detainee locator website, Petitioner is not and has never been an Armenian citizen.

43. Petitioner has been detained now for 16 days. He has received no notice regarding the obvious revocation of his OSUP. He has also not had an interview or even been offered an interview.

FIRST CLAIM FOR RELIEF
Unlawful Revocation of Release

44. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs 1-42.

45. This Court must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

46. Petitioner was previously detained by ICE and released because his removal could not be effectuated. If he has complied with the conditions of his OSUP, Respondents have the authority to revoke his release only if there is a significant likelihood that they can remove him in the reasonably foreseeable future. *See* 8 C.F.R. § 241.13(i)(2).

47. Respondents revoked Petitioner's release without evidence that he could be deported to any country. Respondents have informed Petitioner that he was re-detained because of new Trump Administration policy. Respondents' revocation of Petitioner's OSUP was therefore arbitrary and capricious.

48. Every day that Petitioner is detained is causing him irreparable harm. Petitioner is entitled to immediate release on an OSUP.

SECOND CLAIM FOR RELIEF
Violation of the Procedures for Revocation of Release

49. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs 1-42.

50. The governing regulations require Respondents to notify Petitioner of the reason for his re-detention and provide him with "an initial informal interview *promptly*" after his re-detention, where he may submit evidence to show that his removal is unlikely or that his OSUP has not been violated. 8 C.F.R. § 241.13(i)(3) (emphasis added). Respondents have not complied with this obligation.

51. Government action taken in violation of regulations designed to protect individual rights is unlawful and violates due process. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 266–68 (1954).

52. As Respondents have revoked Petitioner's OSUP in violation of its own regulations, Petitioner is entitled to immediate release on OSUP until ICE can provide the minimal process required under those regulations.

THIRD CLAIM FOR RELIEF
Unlawful Detention Where Removal Is Not Reasonably Foreseeable

53. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs 1-42.

54. Post-removal order detention violates 8 U.S.C. § 1231(a)(6) where removal is not significantly likely to occur in the reasonably foreseeable future. *See also Zadvydas v. Davis*, 533 U.S. at 699. Detention where removal is not reasonably

foreseeable violates due process as "freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Id.* (quoting *Foucha* v. *Louisiana*, 504 U.S. 71, 80 (1992)).

55. Petitioner was already detained during the 90-day removal period, until ICE determined it could not effectuate removal and released him on an OSUP. Given that Petitioner remains stateless more than twenty-five years later, Petitioner has already made a showing under *Zadvydas* that his removal is not significantly likely. *Id.* at 701. Respondents cannot rebut this showing, as they do not have any individualized evidence to believe that Petitioner's removal is reasonably foreseeable.

56. Petitioner's re-detention under these circumstances violates 8 U.S.C. § 1231 and the Due Process Clause under the U.S. Constitution. Petitioner is entitled to immediate release on an OSUP.

FOURTH CLAIM FOR RELIEF
Unlawful Detention Without Individualized Determinations of Danger or Flight Risk

57. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs 1-42.

58. Detention violates Section 1231 of 8 U.S.C. 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.

59. Petitioner was released on OSUP in 2000, re-detained for 10 days in 2012, and then released again. Before being re-detained in 2025, Petitioner lived in the

community for more than 13 years yet has received no process to determine if his re-detention is warranted.

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

FIFTH CLAIM FOR RELIEF
Unlawful Removal To A Third Country

61. Petitioner incorporates by reference the allegations set forth in the preceding paragraphs 1-42.

62. Notwithstanding the statutory and regulatory prohibitions on removing non-citizens to countries where they face potential persecution or torture, on March 30, 2025, Respondent Noem issued a memo entitled, "Guidance Regarding Third Country Removals" (available at: https://immigrationlitigation.org/wp-content / uploads/2025/04/43-1-Exh-A-Guidance.pdf). This memo states that if the United States has received "diplomatic assurances" from a third country that non-citizens removed to that country will not be persecuted or tortured, DHS may remove that non-citizen "without the need for further procedures."

63. The procedure laid out in this memo violates the statutory and regulatory provisions requiring Respondents to provide a non-citizen with a forum to demonstrate an individualized risk of torture or persecution in a specific country. The memo purports to rely on blanket assurances from third countries that non-citizens

generally will not be tortured or persecuted to circumvent the obligation to determine if an individual non-citizen faces a risk of torture or persecution.

64. To the extent that Respondents are detaining Petitioner with the intent to remove him to a third country without notice or the opportunity to demonstrate that he is at a particularized risk of torture or persecution in that third country, the detention is unlawful.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully asks that this Court take jurisdiction over this matter and grant the following relief:

a. Assume jurisdiction over this matter;

b. Order that Petitioner shall not be transferred outside of the Central District of California while this petition is pending;

c. Issue an Order to Show Cause ordering Respondents to show cause within three days why this Petition should not be granted;

d. Declare that Petitioner's detention is unlawful;

e. Order Respondents to immediately release Petitioner on an OSUP;

f. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody on an OSUP;

g. Enjoin Respondents from revoking Petitioner's release unless they have individualized evidence that his removal is reasonably foreseeable;

h. Enjoin Respondents from revoking Petitioner's release without providing him 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;

i. 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;

j. Enjoin Respondents from removing Petitioner to a third country without sufficient notice and opportunity to demonstrate that he faces a specific risk of torture or persecution in that third country;

k. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

l. Grant any other and further relief that this Court deems just and proper.

DATED: December 20, 2025

s/ Keli M. Reynolds
KELI M. REYNOLDS
Olmos & Reynolds Law Group, LLP
Attorney for Petitioner

VERIFICATION

I, Keli M. Reynolds, declare as follows:

I am an attorney admitted to practice law in the State of California.

Because many of the allegations of this Petition require legal knowledge not possessed by the Petitioner, I am making this verification on his behalf.

I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 20, 2025.

s/ Keli M. Reynolds
KELI M. REYNOLDS
Olmos & Reynolds Law Group, LLP
Attorney for Petitioner