

1 Stacy Tolchin (CA SBN #217431)
2 *Email: Stacy@Tolchinimmigration.com*
3 Law Offices of Stacy Tolchin
4 776 E. Green St., Suite 210
5 Pasadena, CA 91101
6 Telephone: (213) 622-7450
7 Facsimile: (213) 622-7233

8 Counsel for Petitioner

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

Roni DerSarkissian,

Petitioner,

v.

Kristi NOEM, Secretary, Department of
Homeland Security; Todd LYONS, in his
official capacity as Acting Director of U.S.
Immigration and Customs Enforcement
(ICE); Pam BONDI, Attorney General of the
United States; Jaime RIOS, Director, Los
Angeles ICE Field Office; and Fereti
SEMAIA, Warden, Adelanto ICE Processing
Center.

Respondents.

No.

**Petition for Writ of Habeas
Corpus**

Immigration Case

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTRODUCTION

1. Petitioner Roni DerSarkissian, files this petition for writ of habeas corpus seeking his release from the custody of the Department of Homeland Security (DHS). Petitioner is detained at the Adelanto Detention Facility.

2. Petitioner is a native of Iran who was already held pursuant to an order of removal from January 19, 2000 until March 11, 2002, for more than two years. He was released because the government was not able to remove him.

3. Petitioner reported regularly to DHS on an order of supervision for over 23 years.

4. He was taken into immigration custody on June 23, 2025, even though he was scheduled to report with immigration in December 2025.

5. Petitioner has now been held for more than 180 days since that arrest and, once again, the government is unable to remove him from the United States.

6. Petitioner has good reason to believe that he cannot be removed from the United States, shifting the burden to the government.

7. The government has not demonstrated that it now has a reasonable likelihood of removing Petitioner from the United States.

8. There are no changed circumstances warranting Petitioner's re-detention.

9. Petitioner's detention violates the Immigration and Nationality Act, its implementing detention regulations, and his right to Due Process.

29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

JURISDICTION AND VENUE

10. This Court has jurisdiction over the present action based on 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (Federal Question), and 28 U.S.C. § 1346(b) (Federal Respondent).

11. Venue is properly with this Court pursuant to 28 U.S.C. § 1391(e)(1) because this is a civil action in which Respondents are employees or officers of the

1 United States, acting in their official capacity; and a substantial part of the events or
2 omissions giving rise to the claim occurred within the Central District of California,
3 and there is no real property involved in this action.

4 12. Further, pursuant to Braden v. 30th Judicial Circuit Court of Kentucky,
5 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the
6 Central District of California, the judicial district in which Petitioner is currently
7 detained.

8 **PARTIES**

9 13. Petitioner is a citizen of Iran. He is currently detained at the Adelanto
10 ICE Processing Center and resides in Burbank, CA.

11 14. Respondent Kristi Noem is the Secretary of the Department of Homeland
12 Security. She is responsible for the implementation and enforcement of the
13 Immigration and Nationality Act and oversees ICE, which is responsible for
14 Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner.
15 She is sued in her official capacity.

16 15. Respondent Todd Lyons is the Acting Director of ICE and has authority
17 over the operations of ICE. In that capacity and through his agents, Respondent
18 Lyons has broad authority over the operation and enforcement of the immigration
19 laws. Respondent Lyons is sued in his official capacity.

20 16. Respondent Pam Bondi is the Attorney General of the United States. She
21 is responsible for the Department of Justice and is sued in her official capacity.

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

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

4
5
6 **FACTUAL ALLEGATIONS**

7 19. Petitioner was born in Iran on [REDACTED] and is 50 years old.

8 20. Petitioner came to the United States on February 27, 1990 as a refugee,
9 and later became a lawful permanent resident. He has resided continuously in the
10 United States since 1990, for 35 years.

11 21. Petitioner married his United States citizen wife on November 22, 2008.
12 They have two United States citizen children together, ages 12 and 15.

13 22. On December 7, 1998, Petitioner was convicted of Assault with a Deadly
14 Weapon in violation of California Penal Code section 245(a)(1) and was sentenced
15 to two years in prison. That conviction was later vacated on December 3, 2025 as
16 legally invalid under California Penal Code § 1473.7(a)(1).

17 23. On May 27, 1999, Petitioner was detained by immigration authorities and
18 was placed into removal proceedings.

19 24. He was charged with removal for an aggravated felony offense. 8 U.S.C. §
20 1227(a)(2)(A)(iii); 8 U.S.C. § 1101(a)(43)(F).

21 25. Petitioner was ordered removed by the immigration court on January 19,
22 2000 and no appeal was filed.

23 26. Petitioner remained detained by immigration authorities until he was
24 released on an order of supervision on March 11, 2002.

25 27. Petitioner's detention pursuant to a final order of removal was over two
26 years.

27 28. After his release, Petitioner reported regularly on an order of supervision.
28

1 29.He appeared to report on the order of supervision May 20, 2025 and was
2 scheduled for another appointment January 14, 2026.

3 30.Despite this regularly scheduled appointment, Petitioner was arrested in
4 front of his home on June 23, 2025.

5 31.Petitioner was arrested on June 23, 2025 in front of his home by armed
6 immigration agents. His California driver's license was taken by immigration
7 officers, which he requires for work.

8 32.Petitioner has been held at the Adelanto immigration detention center
9 since that time, for more than 180 days.

10 33.Petitioner has reason to believe that he cannot be removed to Iran.

11 34.On September 15, 2025, the Interests Section of the Islamic Republic of
12 Iran, Embassy of Pakistan, informed the Department of Homeland Security that it
13 could not issue Iranian travel documents unless Petitioner submits and original
14 Iranian birth certificate and original Iranian passport. Petitioner does not have either
15 of these. As a result, Petitioner was informed that travel documents could not be
16 issued.

17 35.Petitioner was provided a 90 day custody review after his 2025 detention
18 and was informed he would not be released.

19 36.Petitioner was provided a 180 day custody review after his 2025 detention
20 and was informed he would not be released.

21 37.Petitioner is suffering greatly while he is detained. He is separated from
22 his United States citizen wife and children.

23 38.In addition, he was a caretaker to his elderly United States citizen mother
24 who suffers from Alzheimer's. His family has had to hire full-time care to help her
25 since Petitioner has been detained.

26 39.Petitioner also is having medical difficulty while detained. He had an
27 infection in June and was on antibiotic treatment, which he could not continue
28 while detained. The infection has returned and he is experiencing great pain and

1 discomfort.

2 40. The government is not significantly likely to remove Petitioner from the
3 United States in the reasonably foreseeable future.

4 **CAUSES OF ACTION**

5 **COUNT ONE**

6 **(VIOLATION OF 8 U.S.C. § 1231(a)(6))**

7 **(DETENTION FOR MORE THAN 180 DAYS IN CUSTODY AND NOT**
8 **LIKELY TO BE REMOVED)**
9

10 41. Petitioner incorporates the allegations in the paragraphs above as though
11 fully set forth here.

12 42. The Immigration and Nationality Act authorizes a post-removal-period
13 detention of six months to allow the United States to effectuate removal. 8 U.S.C. §
14 1231(a)(6). Zadvydas v. Davis, 533 U.S. 678 (2001).

15 43. Once removal is no longer foreseeable, it is a violation of 8 U.S.C. §
16 1231(a)(6) and Due Process to hold a noncitizen in immigration detention.

17 44. Zadvydas places the burden on the alien to show, after a detention period
18 of six months, that there is “good reason to believe that there is no significant
19 likelihood of removal in the reasonably foreseeable future. Pelich v. I.N.S., 329
20 F.3d 1057, 1059 (9th Cir. 2003).

21 45. Petitioner has good reason to believe that he cannot be removed from the
22 United States. He was already detained for more than 180 days over 20 years ago,
23 and he could not be removed.

24 46. He has been held again for another 180 days and once again he has not
25 been removed.

26 47. Further, the Iranian government has confirmed that he cannot be issued
27 travel documents because he does not have his original Iranian birth certificate or
28

1 passport.

2 48. The burden therefore shifts to the government provide evidence sufficient
3 to demonstrate that removal is reasonably foreseeable¹. 533 U.S. at 701.

4 49. The government is unable to establish that Petitioner's removal is
5 reasonably foreseeable.

6 50. Petitioner's continued detention is a violation of 8 U.S.C. § 1231(a)(6).

7
8 **COUNT TWO**

9
10 **(VIOLATION OF DUE PROCESS)**

11 ***(Indefinite Detention)***

12 51. Petitioner incorporates the allegations in the paragraphs above as though
13 fully set forth here.

14 52. Indefinite detention violates the Fifth Amendment's Due Process Clause.
15 Zadvydas v. Davis, 533 U.S. at 682, 689.

16 53. There is no significant likelihood of Petitioner's removal in the reasonably
17 foreseeable future.

18 54. Respondents do not have evidence sufficient to demonstrate that Petitioner's
19 removal is reasonably foreseeable.

20 55. Petitioner's detention in excess of six months without such evidence of
21 imminent removal is a violation of Due Process.

22
23 **PRAYER FOR RELIEF**

24 WHEREFORE, Petitioner prays that this Court grant the following relief:
25

26 ¹ "And for detention to remain reasonable, as the period of prior postremoval
27 confinement grows, what counts as the 'reasonably foreseeable future' conversely
28 would have to shrink." 533 U.S. at 701.

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner's detention is unlawful;
- (3) Order that Petitioner be released immediately from detention and returned to the terms of his original order of supervision;
- (4) Order that Petitioner's California Driver's License be returned immediately;
- (5) Award reasonable costs and attorneys' fees; and
- (6) Grant such further relief as the Court deems just and proper.

Dated: December 22, 2025 Respectfully submitted,

By: /s/ Stacy Tolchin
Stacy Tolchin
Law Offices of Stacy Tolchin
776 E. Green St. Suite 210
Pasadena, CA 91101
Telephone: (213) 622-7450
Facsimile: (213) 622-7233
Email: Stacy@Tolchinimmigration.com