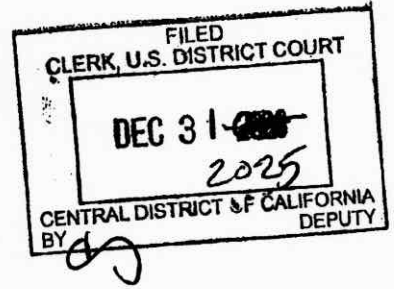


UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA



AMBARTSOUM POGOSIAN,
Petitioner,
v.

Case No. EDCV 25-3628-MWF(PD)

M. Bowen, Warden at Adelanto ICE Processing Center;

Kristi Noem, Secretary of Homeland Security;

Pemela J. Bondi, Attorney General of the United States;

Thomas Giles, Los Angeles Field Office Director, Bureau
of Immigration and Customs Enforcement;

James Pilkington, Assistant Field Office Director, Adelanto
Detention Facility,
Respondents.

=====

PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT

TO 28 U.S.C. § 2241

=====

Comes now Ambartsoum Pogolian ("Petitioner"), pro se, and respectfully moves this court to issue an order directing respondent to release him from custody, immediately and without any delays.

I. INTRODUCTION & BACKGROUND

Petitioner is Native and a Citizen of the **U.S.S.R**, who entered the United States with his then wife Lousine Melkonian (“Ex-wife”) in 1992. Petitioner and his Ex-wife applied for Asylum, and their application was granted in 1996. However, in 1997 Petitioner was arrested and convicted in the State of California with Second Degree Robbery in violation of *Cal. Pen. Code §212.5 Subd (c)*.

In early 2018, Petitioner was released from California State Prison, and was taken in to ICE custody at Adelanto ICE Processing Center. In May of 2018, Petitioner received his final order of deportation, however, in August of 2018, Petitioner was released from ICE custody, given the fact that ICE failed to obtain any travel document¹.

In early October of 2025, Petitioner was arrested again by ICE, and he is currently detained at Adelanto ICE Processing Center. The United States detained and attempted to deport Petitioner on several occasions since he received his order of deportation in 2018, however, as a stateless person, Petitioner is not deportable.

III. CLAIMS & ARGUMENTS

¹ Petitioner entered the United States with his U.S.S.R passport, however, the U.S.S.R was dissolved in 1991, which rendered Petitioner as a stateless alein.

A. PETITIONER MUST BE RELEASED BECAUSE THERE IS NO GOOD REASON TO BELIEVE HE WILL BE DEPORTED TO U.S.S.R IN THE REASONABLY FORESEEABLE FUTURE.

The Due Process Clause limits a “[noncitizen’s] post- removal- period detention to a period reasonably necessary to bring about that [noncitizen’s] removal from the United States. Zadvydas v. Davis, 533 U.S. 678, 689 (2001). Because of this constitutional limitation, the immigration detention statute “does not permit indefinite detention.” *Id.*; *See 8 U.S.C. § 1231.*

Detention following the removal period is presumptively limited to six months. “After this 6-months period, once the [noncitizen] provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing. Zadvydas, 533, U.S. at 701.

ICE has detained Petitioner well beyond the presumptively reasonable six-months period. Under 8 U.S.C. § 1231(a)(1)(B)(ii). There is good reason to believe that there is no significant likelihood of removal to U.S.S.R in the foreseeable future.

Specifically, Petitioner was ordered removed in May of 2018. At that time, he was placed in ICE custody and held for more than Three-months until parties conceded that Petitioner could not be deported to U.S.S.R, and the fact that U.S.S.R no longer exist. During his detention, ICE attempted to deport Petitioner to Armenia², however, their attempts were to no avail, because Armenia declined to accept Petitioner, and made clear to ICE that he is not a citizen of Armenia. Petitioner was taken into ICE custody again on October 2nd, 2025, and has been in ICE custody again for nearly three months.

Even though Petitioner has not yet been in ICE custody for six continuous months, this petition is not premature. Petitioner cannot be returned to his country of origin because U.S.S.R will never exist again, and Armenia does not recognize him as a Citizen. Therefore, his continued detention in immigration custody thus violates the Due Process Clause of the Fifth Amendment.

B. PETITIONER'S DETENTION IN IMMIGRATION CUSTODY PENDING REMOVAL TO ANY THIRD COUNTRY VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT BECAUSE ICE HAS NOT GIVEN HIM SUFFICIENT NOTICE OF THE PROPOSED THIRD COUNTRY AND AN OPPORTUNITY TO REQUEST DEFERRAL OR WITHHOLDING OF REMOVAL TO THAT COUNTRY UNDER EITHER STATUTE OR THE CONVENTION AGAINST TORTURE.

² Petitioner was born in Armenia while the country was part of the U.S.S.R.

“It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in the context of removal proceedings.” Trump v. J.G.G., 145 S. Ct. 1003, 1006 (2025) (per curiam)(quoting Reno v. Flores, 507 U.S. 292, 306 (1993)). Noncitizens are thus entitled to “notice and an opportunity to be heard appropriate to the nature of the case.” Id. (quoting Mullane v. Central Hanover Bank & Trust co., 339 U.S. 306, 313 (1950)). As relevant here, this means that purported noncitizens are entitled to notice that they are to be removed to a third country “within a reasonable time and in such a manner as well allow them to actually seek habeas relief in the proper venue before such removal occurs.” *Id.*

Petitioner has not been formally ordered removed to any country other than **U.S.S.R.** As such, he has never had an opportunity to contest removal to any third country on the grounds that he may face persecution or torture if he is removed to that country. To the extent that Petitioner’s detention is meant to facilitate his removal to third country, **see generally Zadvydas, 533 U.S. at 690 (suggesting that detention following a removal order is intended to facilitate removal)**, if such a removal is accomplished in violation of his due-process rights, then his detention is illegal. This due-process claim “necessarily impl[ies] the invalidity of [his] confinement and removal” to a third country not yet named in any removal order. J.G.G., 145 S. Ct. at 1005. Thus, his due-process

claim is properly brought in habeas petition, and a court order that he be released from detention is a proper remedy for such violation.

IV. CONCLUSION

For the foregoing reasons, this Honorable Court should:

- **Order the Government to answer this petition;**
- **Expedite any briefing and relief, as Petitioner's custody is Illegal;**
- **Allow Petitioner to conduct discovery in order to support his claim for relief;**
- **Convene an evidentiary hearing, if needed to resolve disputed facts;**
- **Order Respondents to release Petitioner from their custody; and**
- **Grant any other relief that is just and practicable.**



Ambartsoum Pogolian. A# [REDACTED]
Adelanto ICE Processing Center
10250 Rancho Rd.
Adelanto, CA 92301