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11
12 **UNITED STATES DISTRICT COURT FOR THE**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 Raymond TARVERDYAN,

15 Petitioner,

16 v.

17 Markwayne MULLIN, Secretary, Department
18 of Homeland Security; Todd LYONS, in his
19 official capacity as Acting Director of U.S.
20 Immigration and Customs Enforcement;
21 Todd BLANCHE, Acting Attorney General
22 of the United States; Andre QUINONES,
23 Field Office Director, Los Angeles ICE Field
24 Office; Fereti SEMAIA, Warden, Adelanto
25 Detention Center.

26 Respondents.

No.

**Petition for Writ of Habeas
Corpus**

Immigration Case

INTRODUCTION

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2
3 1. Petitioner Raymond TARVERDYAN is a stateless individual born in the
4 former U.S.S.R. who is subject to a final order of removal. He was ordered removed
5 on October 30, 2019 and released by immigration authorities because he could not
6 be removed.

7 2. Petitioner was placed on an Order of Supervision and reported regularly to
8 Immigration and Customs Enforcement (ICE). Petitioner did not otherwise violate
9 the law or the terms of his release.

10 3. On July 28, 2026, Petitioner was detained by immigration authorities and
11 is now being held at the Adelanto detention center.

12 4. Immigration and Customs Enforcement (ICE) cannot detain noncitizens
13 who have been released on final orders of removal without evidence of changed
14 circumstances that their removal is now reasonably foreseeable. To do so violates
15 the Immigration and Nationality Act, Due Process, and the regulations.

16 5. Petitioner seeks an order from this court compelling his immediate release
17 pursuant to the terms of his prior order of supervision, and precluding immigration
18 authorities from re-detaining him without both evidence of changed circumstances
19 that removal is now reasonably foreseeable and proper notice and an opportunity to
20 be heard prior to re-detention.

21 6. There is no legal basis for detaining Petitioner, absent evidence that a
22 country will accept Petitioner for removal. Further, if there is such evidence, then
23 Petitioner cannot be removed from the United States without notice and an
24 opportunity to seek withholding of removal and protection under the Convention
25 Against Torture if Respondents seek to remove him to a third country.

26 7. Detention in excess of the statutory removal period after a final order of
27 removal where removal is not imminent violates Petitioner's due process rights.

28 8. Petitioner's detention violates the Immigration and Nationality Act and

1 his right to Due Process.

2
3 **JURISDICTION AND VENUE**

4 9. This Court has jurisdiction over the present action based on 28 U.S.C. §
5 2241 (habeas corpus); 28 U.S.C. § 1331 (Federal Question), and 28 U.S.C. §
6 1346(b) (Federal Respondent).

7 10. Venue is properly with this Court pursuant to 28 U.S.C. § 1391(e)(1)
8 because this is a civil action in which Respondents are employees or officers of the
9 United States, acting in their official capacity; and a substantial part of the events or
10 omissions giving rise to the claim occurred within the Central District of California,
11 and there is no real property involved in this action.

12 11. Further, pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*,
13 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the
14 Central District of California, the judicial district in which Petitioner is currently
15 detained.

16 **PARTIES**

17 12. Petitioner Raymond Tarverdyan is a stateless noncitizen born in the
18 former U.S.S.R. who was detained by immigration authorities in Los Angeles on
19 July 28, 2026 .

20 13. Respondent Markwayne Mullin is the Secretary of the Department of
21 Homeland Security. He is responsible for the implementation and enforcement of
22 the Immigration and Nationality Act and oversees ICE, which is responsible for
23 Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner.
24 He is sued in his official capacity.

25 14. Respondent Todd Lyons is the Acting Director of ICE and has authority
26 over the operations of ICE. In that capacity and through his agents, Respondent
27 Lyons has broad authority over the operation and enforcement of the immigration
28 laws. Respondent Lyons is sued in his official capacity.

1 15.Respondent Todd Blanche is the Acting Attorney General of the United
2 States. He is responsible for the Department of Justice and is sued in his official
3 capacity.

4 16.Respondent Andre Quinones is the Director of the Los Angeles Field
5 Office of ICE's Enforcement and Removal Operations division. As such, he is the
6 custodian of all persons held at the ICE facilities in the Los Angeles Field Office.
7 He is Petitioner's immediate custodian and is responsible for his detention. He is
8 sued in his official capacity.

9 17.Respondent Fereti Semaia is the Warden of the of the Adelanto ICE
10 Processing Center, Adelanto, California, where Petitioners are detained. He has
11 immediate physical custody of Petitioner and is sued in his official capacity.
12

13 **FACTUAL ALLEGATIONS**

14 18.Petitioner was born in the former U.S.S.R.

15 19.Petitioner has resided in the United States since 1989.

16 20.Petitioner was previously detained by immigration authorities. On
17 October 30, 2019, the immigration judge ordered Petitioner removed.

18 21.Petitioner was released from immigration custody because he could not be
19 removed.

20 22.Since then, Petitioner has reported regularly on an order of supervision to
21 Immigration and Customs Enforcement (ICE). He has not violated the terms of his
22 order of supervision or any criminal laws.

23 23.On July 28, 2026, Petitioner was detained by immigration authorities and
24 is now being held in Adelanto, California.

25 24.Petitioner did not otherwise violate the terms of his release. He was not
26 provided with any notice that he would be detained before this.

27 25.Respondents did not provide any other information or state that they have
28

1 now been able to obtain a travel document to remove Petitioner to any country.

2
3 **CAUSES OF ACTION**

4 **COUNT ONE**

5 **(Violation of Revocation of Release Regulation, 8 C.F.R. § 241.13(i)(2)**
6 **and Due Process)**

7 26. Petitioner incorporates the allegations in the paragraphs above as though
8 fully set forth here.

9 27. An agency's failure to follow its regulations that are meant to protect
10 fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S.
11 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147
12 F.3d 1148, 1153 (9th Cir. 1998).

13 28. DHS regulations authorize the revocation of an order of release only
14 when "if, on account of changed circumstances, the Service determines that there is
15 a significant likelihood that the alien may be removed in the reasonably foreseeable
16 future." 8 C.F.R. § 241.13(i)(2).

17 29. The regulation at 8 C.F.R. § 241.13(i)(2) is designed to protect the
18 fundamental interest of liberty, and the failure to follow the regulation is a violation
19 of due process.

20 30. This regulation places the burden on the government to demonstrate that
21 there are new circumstances which now establish that removal is reasonably
22 foreseeable.

23 31. The detention of Petitioner is a violation of 8 C.F.R. § 241.13(i)(2) and
24 Petitioner's due process rights without evidence of changed circumstances that
25 Petitioner's removal is reasonably foreseeable.
26
27
28

COUNT TWO

**(Violation of Revocation Regulation, 8 C.F.R. § 241.4(l)
and Due Process)**

32. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

33. An agency's failure to follow its regulations that are meant to protect fundamental rights is a violation of due process. *Accardi v. Shaughnessy*, 347 U.S. 260, 267, 74 S.Ct. 499, 98 L.Ed. 681 (1954); *Sameena Inc. v. U.S. Air Force*, 147 F.3d 1148, 1153 (9th Cir. 1998).

34. The regulation at 8 C.F.R. § 241.4(l) authorizes the revocation of release only where there has been a violation of the conditions of release or there has been a determination by the Executive Associate Commissioner that "i) The purposes of release have been served; (ii) The alien violates any condition of release; (iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien; or (iv) The conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate."

35. The regulation at 8 C.F.R. § 241.4(l) is designed to protect the fundamental interest of liberty, and the failure to follow the regulation is a violation of due process.

36. None of the circumstances under 8 C.F.R. § 241.4(l) have been met, in violation of the regulation at 8 C.F.R. § 241.4(l) and in violation of Due Process.

37. If such determinations have been met, Petitioner has not been notified of such determinations in violation of due process.

COUNT THREE

(Indefinite Detention in Violation of 8 U.S.C. § 1231(a)(6) and Due Process)

38. Petitioner incorporates the allegations in the paragraphs above as though

1 fully set forth here.

2 39. The Immigration and Nationality Act authorizes a post-removal-period
3 detention of 90 days to allow the United States to effectuate removal. 8 U.S.C. §
4 1231(a)(6).

5 40. Petitioner has already been detained previously. The removal period does
6 not automatically reset with a new detention years later. *Nguyen v. Scott*, No. 2:25-
7 CV-01398, 2025 WL 2419288, at *13 (W.D. Wash. Aug. 21, 2025); *Sied v.*
8 *Nielsen*, No. 17-CV-06785-LB, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018).

9 41. Once removal is no longer foreseeable, it is a violation of 8 U.S.C. §
10 1231(a)(6) and Due Process to hold a noncitizen in immigration detention.
11 *Zadvydas v. Davis*, 533 U.S. 678 (2001).

12 42. Under *Zadvydas*, a six month period of detention to allow the agency to
13 effectuate removal is presumptively reasonable. However, this is not a bright-line
14 test. In *Trinh v. Homan*, 466 F. Supp. 3d 1077, 1092 (C.D. Cal. 2020), this Court
15 held that a *Zadvydas* claim is ripe after the initial 90 day removal period has run,
16 and that the full 180 day period is not required when the noncitizen demonstrates
17 that removal is not reasonably foreseeable. *Id.* (“At no point did the *Zadvydas* Court
18 preclude a noncitizen from challenging their detention before the end of the
19 presumptively reasonable six-month period.”); *id.* (“*Zadvydas* established a “guide”
20 for approaching detention challenges, not a categorical prohibition on claims
21 challenging detention less than six months”); *see also Hernandez v. Bondi*, No.
22 1:25-CV-02020-EPG-HC, 2026 WL 350829, at *4 (E.D. Cal. Feb. 9, 2026) (full six
23 month period is not required to present a cognizable *Zadvydas* claim).

24 43. *Zadvydas* places the burden on the noncitizen to show, that there is “good
25 reason to believe that there is no significant likelihood of removal in the reasonably
26 foreseeable future. *Pelich v. I.N.S.*, 329 F.3d 1057, 1059 (9th Cir. 2003).

27 44. Petitioner has good reason to believe that he cannot be removed from the
28 United States. He was already detained previously, and he could not be removed.

1 The government has since had years to effectuate his removal, as he has been
2 reporting faithfully on his order of supervision, but has shown no ability to do so.
3 “[T]his is not your typical first round detainment of an alien awaiting
4 removal.” *Escalante v. Noem*, No. 9:25-CV-00182-MJT, 2025 WL 2206113, at *3
5 (E.D. Tex. Aug. 2, 2025).

6 45. The burden therefore shifts to the government provide evidence sufficient
7 to demonstrate that removal is reasonably foreseeable¹. 533 U.S. at 701.

8 46. The government is unable to establish that Petitioner’s removal is
9 reasonably foreseeable. *Chun Yat Ma v. Asher*, No. 11-cv-01797-MJP, 2012 WL
10 1432229, at *5 (W.D. Wash. Apr. 25, 2012) (“An undue delay in removal for an
11 individual alien beyond the typical removal period would naturally suggest that
12 removal is unlikely.”); *Vaskanyan v. Janecka*, No. 5:25-CV-01475-MRA-AS, 2025
13 WL 2014208, at *4 (C.D. Cal. June 25, 2025).

14 47. Petitioner’s continued detention is a violation of 8 U.S.C. § 1231(a)(6)
15 and Due Process.

16 **COUNT FOUR**

17 **(Third Country Removal in Violation of Due Process, the Immigration** 18 **and Nationality Act, and the Convention Against Torture)**

19 48. Petitioner incorporates the allegations in the paragraphs above as though
20 fully set forth here.

21 49. Under the Due Process Clause of the Fifth Amendment to the United
22 States Constitution, no person shall be “deprived of life, liberty, or property,
23 without due process of law.” U.S. Const. amend. V. “Freedom from
24 imprisonment—from government custody, detention, or other forms of physical
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 restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*,
2 533 U.S. 678, 690 (2001).

3 50.Due Process requires notice and an opportunity to respond before
4 Petitioner is removed to a third country. *Mullane v. Cent. Hanover Bank & Tr. Co.*,
5 339 U.S. 306, 320, 70 S. Ct. 652, 660, 94 L. Ed. 865 (1950).

6 51.“Failing to notify individuals who are subject to deportation that they have
7 the right to apply ... for withholding of deportation to the country to which they will
8 be deported violates both INS regulations and the constitutional right to due
9 process.” *Andriasian v. I.N.S.*, 180 F.3d 1033, 1041 (9th Cir. 1999).

10 52.8 U.S.C. § 1231(b)(3)(A) provides that a noncitizen shall not be removed
11 to any country where his “life or freedom would be threatened in that country
12 because of the alien's race, religion, nationality, membership in a particular social
13 group, or political opinion.”

14 53.Article III of the Convention Against Torture bars the removal of any
15 individual to a country where they face a clear probability of torture.

16 54.Petitioner must be provided notice and an opportunity to seek protection
17 under the INA and Article III of the Convention Against Torture before he may be
18 removed to a third country. *Juarez v. Noem*, No. 5:26-CV-00014-MWC-KS, 2026
19 WL 127607, at *5 (C.D. Cal. Jan. 9, 2026); *Nguyen v. Scott*, No. 2:25-CV-01398,
20 2025 WL 2419288, at *19 (W.D. Wash. Aug. 21, 2025).

21 55.The right to due process before third country removal “includes the right
22 to a full and fair hearing, an impartial decisionmaker, and evaluation of the merits
23 of his or her particular claim.” *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1010 (W.D.
24 Wash 2019).

25 56.Removing Petitioner to a third country without notice and the opportunity
26 to apply for protection from removal violates Due Process, the Immigration and
27 Nationality Act, and Article III of the Convention Against Torture. *Bonilla v.*
28 *Noem*, No. 1:26-CV-01425-DC-SCR (HC), 2026 WL 849579, at *6 (E.D. Cal. Mar.

27, 2026); *Edijou v. Noem, et al*, No. 5:26-CV-01505-MRA-DTB, 2026 WL 931093, at *3 (C.D. Cal. Apr. 3, 2026).

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner's detention is unlawful;
- (3) Order that Petitioner be immediately released from detention under the terms of his prior order of supervision and that any confiscated property and documents be returned to him;
- (4) Enjoin Respondents from removing Petitioner to a third country without first reopening his removal proceedings and providing him notice by designating the potential country(s) of removal so that he may apply for withholding of removal and protection under the Convention Against Torture;
- (5) Award reasonable costs and attorneys' fees; and
- (6) Grant such further relief as the Court deems just and proper.

Dated: July 29, 2026

Respectfully submitted,

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