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

14 RAYMOND TARVERDYAN,

15 Petitioner,

16 v.

17 MARKWAYNE MULLIN, et al.,

18 Respondents.
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Case No. 5:26-cv-04257-DTB

**FEDERAL RESPONDENTS'
RESPONSE TO PETITION FOR WRIT
OF HABEAS CORPUS**

Honorable David T. Bristow
United States Magistrate Judge

1 On July 29, 2026, Petitioner filed a Petition for Writ of Habeas Corpus under 28
2 U.S.C § 2241, seeking an order requiring Respondents to release her from immigration
3 detention, and imposing additional conditions on any contemplated removal to Ghana or
4 any other third country. Dkt. 1. The Court, on July 30, 2026, entered the Notice of
5 General Order 26-05 and Briefing Schedule, thereby adopting the standard procedures
6 and briefing schedule under the General Order. Dkt 6.

7 Respondents oppose the Petition because Petitioner's removal is reasonably
8 foreseeable, and the total days in detention remain within the reasonable detention period
9 for an administratively final order of removal and fall short of the period necessary to
10 state a viable claim under *Zadvydas v. Davis*, 533 U.S. 678 (2001). Further, the
11 revocation of Petitioner's release was in accordance with applicable regulations. Finally,
12 claims regarding third-country removal are inapposite, as ICE has requested travel
13 documents for Petitioner's removal to Armenia, the country for which he was ordered
14 removed.

15 I. BACKGROUND

16 Petitioner was born in the former U.S.S.R. that is now the Republic of Armenia
17 (Armenia). *See* Declaration of Lourdes Palacios ("Decl.") at ¶¶ 4, 7. On or about
18 September 21, 2010, an Immigration Judge in El Paso, Texas granted the petitioner
19 lawful permanent residence status. Decl. at ¶ 5. However, the petitioner engaged in
20 serious criminal activity and as a result on or about May 3, 2018, ICE ERO agents
21 interviewed the petitioner at the United States Penitentiary in Atwater, California. Decl.
22 at ¶ 6.

23 Based on the statements provided by the petitioner it was determined that he was
24 amenable to removal from the United States, and he was once again placed in removal
25 proceedings. *Id.* The petitioner has extensive and serious criminal history. Decl. at ¶ 9,
26 Exhibit A at 3-4 (Form I-213 Record of Deportable/Inadmissible Alien) (detailing
27 convictions for larceny, battery, DUI, felony drug possession, fraud, RICO felony, and
28 obstruction between 1997 and 2013). On or about October 20, 2019, the Immigration

1 Judge ordered the petitioner, Tarverdyan removed to Armenia. Decl. at ¶ 7; Exhibit A at
2 6 (Order of the Immigration Judge dated 10/30/19).

3 Petitioner was detained at Adelanto ICE Processing Center from October 30, 2019
4 to January 1, 2020, when he was released after 63 days on an order of supervision
5 (OSUP). Exhibit A at 3. Petitioner was re-detained on July 28, 2026, following an
6 interview by FBI agents. Exhibit A at 2-3. As part of Petitioner's re-detention,
7 Respondents issued a Notice of Revocation of Release, thereby revoking Petitioner's
8 OSUP under 8 C.F.R. §§ 241.1(l) and 241.13(i). Exhibit B at 1 (Notice of Revocation of
9 Release). Petitioner was also provided with an informal interview on July 29, 2026.
10 Exhibit C at 1 (Alien Informal Interview). On or about August 4, 2026, ICE also
11 conducted a travel interview. Decl. at ¶ 13. On or about August 4, 2026, ICE sent a
12 request for a travel document for Petitioner to the Consulate General of Armenia located
13 in Glendale, California. Decl. at ¶ 14. The request is still pending. *Id.*

14 I. ARGUMENT

15 A. Petitioner cannot show that there is no significant likelihood of 16 removal in the reasonably foreseeable future.

17 The INA requires detention of removable aliens during a 90-day removal period, 8
18 U.S.C. § 1231(a)(1), and permits continued detention under § 1231(a)(6), but only for
19 the time "reasonably necessary" to effect removal, because indefinite detention raises
20 Fifth Amendment Due Process concerns. *Zadvydas v. Davis*, 533 U.S. 678, 689-690
21 (2001). The presumptively reasonable period for removal is six months. *Id.* at 701. After
22 that period, "if the alien 'provides good reason to believe that there is no significant
23 likelihood of removal in the reasonably foreseeable future,' the Government must either
24 rebut that showing or release the alien." *Johnson v. Guzman Chavez*, 594 U.S. 523, 529
25 (2021) (quoting *Zadvydas*, 533 U.S. at 689-701). Here, because Petitioner has not been
26 detained for longer than 90 days—he has failed to show that *Zadvydas* requires his
27 release. *See Pelich v. I.N.S.*, 329 F.3d 1057, 1059 (9th Cir. 2003) (noting that "*Zadvydas*
28 places the burden on the alien" to make the requisite showing).

1 Petitioner has only been detained 72 days following the issuance of his final
2 removal order. He has not yet been detained 90-days, nor over the six-months of
3 presumptively reasonable removal order detention period that is required to shift the
4 burden to the government to show that removal is likely in the reasonably foreseeable
5 future. Given such a short total detention time, Petitioner carries the burden of
6 establishing a constitutional violation—which he cannot meet.

7 Here, travel documents have been requested to the country listed on his final
8 removal order, which appears to be his country of birth. 8 U.S.C. § 1231(b)(2)(E)(iv)
9 provides that a non-citizen may be removed to the “country in which the alien was
10 born.” Further, *Jama v. Immigrations and Customs Enforcement*, 543 U.S. 335 (2005),
11 provides that a non-citizen may be removed from the United States to their birth country
12 without the explicit advance consent of that country’s government. Notably, as recent
13 cases in our district demonstrate, Plaintiff cannot establish that obtaining travel
14 documents are not reasonably foreseeable from Armenia. *See Ovsepien*, No. 5:25-cv-
15 01937-MEMF-DFM, Docket No. 46 (C.D. Cal. Oct. 21, 2025) (travel documents to
16 Armenia obtained and removal effectuated resulting in dismissal of proceedings);
17 *Safaryan*, No. 5:26-cv-03845-KES, Dkt. 15 (C.D. Cal. Jul. 21, 2026) (travel documents
18 to Armenia obtained and Petition denied given concrete plans of removal). Here, the
19 travel documents were requested two days ago.

20 Moreover, courts properly deny *Zadvydas* claims under such circumstances and
21 find that a “habeas petitioner’s assertion as to the unforeseeability of removal, supported
22 only by the mere passage of time, [is] insufficient to meet the petitioner’s burden to
23 demonstrate no significant likelihood of removal under the Supreme Court’s holding in
24 *Zadvydas*.” *Muthalib v. Kelly*, No. 16-02186-KS, 2017 WL 11696616, at *3 (C.D. Cal.
25 Apr. 19, 2017) (collecting cases). “This is particularly so where the only impediment to
26 removal is the issuance of the appropriate travel document.” *Id.* (citing *Nasr v. Larocca*,
27 2016 WL 3710200 (C.D. Cal. June 1, 2016), *report and recommendation adopted*, 2016
28 WL 3704675 (C.D. Cal. July 11, 2016)). That Petitioner does not yet have a specific date

1 of anticipated removal does not make his detention indefinite. *See Diouf v. Mukasey*, 542
2 F. 3d 1222, 1233 (9th Cir. 2008); *Malkandi v. Mukasey*, 2008 WL 916974, at *1 (W.D.
3 Wash. Apr. 2, 2008) (Martinez, J.) (denying *Zadvydas* petition where petitioner had been
4 detained more than 14 months postfinal order); *Nicia v. ICE Field Off. Dir.*, 2013 WL
5 2319402, at *3 (W.D. Wash. May 28, 2013) (Martinez, J.) (holding petitioner “failed to
6 satisfy his burden of showing that there is no significant likelihood of his removal in the
7 reasonably foreseeable future” where he had been detained more than seven months
8 post-order).

9 That Petitioner does not yet have a specific date of anticipated removal does not
10 make his detention indefinite. *See Diouf*, 542 F. 3d at 1233. In any case, Petitioner’s
11 travel documents request remains pending for active consideration by Armenia. Given
12 the circumstances here, he cannot establish a constitutional violation under *Zadvydas*.

13 **B. Petitioner cannot show that DHS improperly revoked his OSUP and**
14 **detained him**

15 The government’s discretion to revoke an OSUP for purposes of effectuating a
16 final removal order is broad. *See Moran v. U.S. Dep’t of Homeland Sec.*, 2020
17 WL6083445, at *9 (C.D. Cal. Aug. 21, 2020) (dismissing petitioners’ claim that §
18 241.4(l) was a violation of their procedural due process rights and noting, “[Petitioners]
19 fail to point to any constitutional, statutory, or regulatory authority to support their
20 contention that they have a protected interest in remaining at liberty in the United States
21 while they have valid removal orders.”). “While the regulation provides the detainee
22 some opportunity to respond to the reasons for revocation, it provides no other
23 procedural and no meaningful substantive limit on this exercise of discretion as it allows
24 revocation “when, in the opinion of the revoking official . . . [t]he purposes of release
25 have been served . . . [or] [t]he conduct of the alien, or any other circumstance, indicates
26 that release would no longer be appropriate.” *Rodriguez v. Hayes*, 578 F.3d 1032, 1044
27 (9th Cir. 2009), *opinion amended and superseded*, 591 F.3d 1105 (9th Cir. 2010), citing
28 §§ 241.4(l)(2)(i), (iv) (emphasis in original).

1 Petitioner fails to establish that the government lacked authority to revoke his
2 OSUP, and he fails to establish that any procedural deficiencies entitle him to release.
3 Recently, Judge Birotte rejected the argument that the remedy for allegedly insufficient
4 revocation process would entitle a noncitizen subject to a final removal order to
5 immediate release. *See Sanchez v. Bondi*, No. 5:25-CV-02530-AB-DTB, 2025 WL
6 3190816, at *3 (C.D. Cal. Oct. 3, 2025) (“While the regulations cited by Petitioner, 8
7 C.F.R. §§ 241.13(i)(1)–(2) and 241.4, establish procedural safeguards—including the
8 requirements that revocation be based on a condition of release violation or on a
9 significant likelihood of removal, and that the noncitizen receive notice and an informal
10 interview—they do not create independent substantive rights that override the statutory
11 grant of detention authority.”).

12 Finally, the appropriate remedy for any proven procedural deficiency would not be
13 automatic release from custody, but rather to remedy the specific procedural deficiency
14 that might be established. Injunctive relief must be *narrowly tailored* to the wrong. *See,*
15 *e.g., Diaz v. Garland*, 53 F.4th 1189, 1214 (9th Cir. 2022). For example, if there is some
16 deficiency in the informal interview, the remedy would be another informal interview.
17 *See, e.g., Pogosyan v. Bondi*, No. 5:25-cv-03121-SRM-AS, Docket No. 13 (C.D. Cal.
18 Dec. 3, 2025) (where an Armenian petitioner-detainee claimed defective informal
19 interview, the court shaped a narrowly tailored relief by ordering respondents to provide
20 petitioner-detainee an informal interview under 8 C.F.R. § 241.13(i)(3) within a week).

21 Whatever procedural deficiencies may have hypothetically occurred, they do not
22 warrant Petitioner’s release and indeed could be cured by means well short of release.

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1 Finally, ICE is seeking to remove Petitioner to Armenia, the country listed on the
2 order of removal (Exh. A at 6), and not some third-country. The Court should thus reject
3 Petitioner's arguments regarding third-country removal as meritless.

4 WHEREFORE, the Petition should be denied.

5 Dated: August 6, 2026

Respectfully submitted,

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