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11
12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
14

15 Raymond TARVERDYAN,

16 Petitioner,

17 v.

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

Respondents.

No. 5:26-cv-04257-DTB

PETITIONER'S TRAVERSE

Hon. David T. Bristow
United States Magistrate Judge

1 I. INTRODUCTION

2 Petitioner hereby submits his Traverse in reply to Respondents' August 6,
3 2026 Response (Dkt. #9) to the Petition for Habeas Corpus.

4
5 II. ARGUMENT

6 A. Respondents Improperly Revoked Petitioner's Order of
7 Supervision in Violation of 8 C.F.R. § 241.13(i)(2) and Due
8 Process

9 Respondents may not revoke Petitioner's Order of Supervision without
10 *first* establishing that there have been changed circumstances such that removal
11 has become significantly likely in the reasonably foreseeable future. The
12 regulations and due process require meaningful notice and the opportunity to be
13 heard before revocation of supervised released. Further, simply requesting a
14 travel document is not sufficient to establish that removal is significantly likely
15 in the reasonably foreseeable future.

16 "It is well established that government agencies are required to follow
17 their own regulations." *Delkash v. Noem*, No. 5:25-CV-01675-HDV-AGR, 2025
18 WL 2683988, at *5 (C.D. Cal. Aug. 28, 2025) (citing *United States ex rel.*
19 *Accardi v. Shaughnessy*, 347 U.S. 260, 268, 74 S.Ct. 499, 98 L.Ed. 681 (1954)).
20 *See also Morales Sanchez v. Bondi*, 811 F. Supp. 3d 1166, 1173 (C.D. Cal.
21 2025).

22 The regulation at 8 C.F.R. § 241.13(i)(2) places the burden on the
23 government to demonstrate that there are new circumstances which now
24 establish that removal is reasonably foreseeable *before* Petitioner can be re-
25 detained. *Shameyan v. Bondi*, No. 5:26-CV-00358-SPG-AGR, 2026 WL
26 330684, at *5 (C.D. Cal. Feb. 5, 2026) ("These undisputed facts reflect that ICE
27 did not request travel documents for Petitioner until after he was detained.
28 Respondents thus did not comply with the procedures for revocation of

1 Petitioner's supervised release."); *Gutierrez v. Noem*, No. 5:25-CV-02668-DOC-
2 RAO, 2025 WL 3247769, at *4 (C.D. Cal. Oct. 31, 2025) ("Respondents have
3 the burden to establish changed circumstances that make removal significantly
4 likely in the reasonably foreseeable future and have not done so.")' *Sun v.*
5 *Noem*, No. 3:25-CV-02433-CAB-MMP, 2025 WL 2800037, at *2 (S.D. Cal.
6 Sept. 30, 2025) ("ICE's own regulations ... place the burden on ICE to show
7 changed circumstances that make removal significantly likely in the reasonably
8 foreseeable future."); *Roble v. Bondi*, No. 25-CV-3196 (LMP/LIB), 2025 WL
9 2443453, at *4 (D. Minn. Aug. 25, 2025) (the burden falls on the government to
10 change the present state of affairs and it therefore must demonstrate changed
11 circumstances). The regulation at 8 C.F.R. § 241.13(i)(2) is designed to protect
12 the fundamental interest of liberty, and the failure to follow the regulation is a
13 violation of due process.

14 Here, the Notice of Revocation of Release (Dkt. #9-3), which was issued
15 the same day Petitioner was detained, does not indicate that Respondents had
16 obtained a travel document at the time they purportedly revoked his Order of
17 Supervision. The form contains a checkbox that states "ICE has obtained a
18 travel document" has been left blank. In addition, the checkbox that states that
19 ICE is seeking a travel document has also been left blank. *Id.* Respondents
20 admit that they did not even start the process of seeking a travel document until
21 August 4, 2026, one week after they detained Petitioner and six days after the
22 filing of the petition for habeas corpus. Dkt. #9-1.

23 This exact situation was addressed in *Shameyan v. Bondi*, No. 5:26-CV-
24 00358-SPG-AGR, 2026 WL 330684, at *5 (C.D. Cal. Feb. 5, 2026). The Court
25 granted a temporary restraining order, stating,

26 "That ICE did not reach out to the Armenian Consulate until a week
27 after Petitioner was detained demonstrates that a determination of
28 changed circumstances did not exist when the Notice of Revocation

1 was issued. Respondents otherwise fail to identify any facts
2 demonstrating that there is a significant likelihood that Petitioner may
3 be removed in the reasonably foreseeable future.”

4 “Thus, absent a pre-detention determination of changed
5 circumstances, Petitioner's detention is not authorized by immigration
6 regulations.”

7 ICE may revoke release if it determines, based on changed circumstances, that
8 there is “a significant likelihood that the [noncitizen] may be removed in the
9 reasonably foreseeable future.” § 241.13(i)(2). Upon such a determination, the
10 noncitizen “will be notified of the reasons for revocation of his or her release”

11 *Morales Sanchez v. Bondi*, 811 F. Supp. 3d 1166, 1173 (C.D. Cal. 2025).

12 However, revocation of release is unlawful if there is “no evidence that the
13 requisite findings were made before revocation.” *Id.*, citing *Ceesay v.*

14 *Kurzdorfer*, 781 F. Supp. 3d 137 (W.D.N.Y. 2025). *See also Truong v. Mullin*,
15 No. 2:26-CV-03546-MBK, 2026 WL 1047908, at *4 (C.D. Cal. Apr. 15, 2026).

16 The Notice of Revocation of release in this case fails to comply with the
17 regulation because it failed to provide any meaningful explanation for the
18 revocation and thereby deprived Petitioner of any meaningful opportunity to
19 respond. 811 F. Supp. 3d at 1175. As the Court in *Morales Sanchez*, addressed,
20 the Notice was deficient where it “asserting only that ICE determined a
21 ‘significant likelihood of removal in the near future’ without specifying the
22 changed circumstances or providing any factual support.” *Id.* “Courts in this
23 district and across the country have held that such vague, boilerplate statements
24 are insufficient notice.” *Fataliyeva v. Santacruz*, No. 5:26-CV-00506-DTB,
25 2026 WL 1206010, at *5 (C.D. Cal. Apr. 28, 2026) (internal quotation omitted);
26 *See also Perez-Escobar v. Moniz*, 792 F. Supp. 3d 224, 225–26 (D. Mass. 2025).

27 Further, even if the travel document had been requested before the
28 detention, that is still insufficient to comply with the regulation’s changed

1 circumstances requirement. In this case, Petitioner was ordered removed to
2 Armenia in 2019, but he was released on an order of supervision because travel
3 documents to Armenia could not be obtained. Respondents have not submitted
4 evidence or even asserted that something will be different this time; as such
5 there is no identification of any changed circumstance for purposes of
6 compliance with the regulation. *See Shameyan v. Bondi*, No. 5:26-CV-00358-
7 SPG-AGR, 2026 WL 330684, at *6 (C.D. Cal. Feb. 5, 2026) (“Respondents do
8 not describe why this present request for travel documentation warrants a
9 finding of changed circumstances”).
10

11 B. The Notice of Revocation Was Issued Without Lawful
12 Authority

13 The Notice of Revocation of release was signed by Christian G. Menjivar,
14 with the title of “AFOD.” Dkt. #9-3. This official lacks the regulatory authority
15 to revoke Petitioner’s release. Pursuant to 8 C.F.R. § 241.4(l)(2), such authority
16 is granted to the Executive Associate Commissioner and the district director.
17 *See Miller v. Mullin, et al.*, No. 5:26-CV-02461-DTB, 2026 WL 1802427, at *5
18 (C.D. Cal. June 18, 2026); *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 159-61
19 (W.D. N.Y. May 2, 2025) (finding that “there is no delegation order clearly
20 giving [the assistant] field officer] the authority to revoke release, and even if
21 there were, there is no caselaw supporting the validity of such a delegation
22 order”); *Cruz v. Rios*, No. EDCV 26-01374-MWF, 2026 WL 973367, at *3
23 (C.D. Cal. Apr. 8, 2026) (“[T]o the extent that § 241.4 provides the grounds for
24 the revocation of [the petitioner's] OSUP ..., there is no evidence that the
25 revocation decision was made by an official vested with the requisite
26 authority.”); *Morales Sanchez v. Bondi*, 811 F. Supp. 3d 1166, 1174 (C.D. Cal.
27 2025) (“[T]here is no evidence that either officer was properly designated under
28

1 8 C.F.R. § 241.13(i)(2) to revoke supervised release”).

2 Because Respondents violated the revocation regulations which serve
3 the purpose of safeguarding Petitioner’s due process rights, the Court
4 should order that he be returned to the status quo and released pursuant to
5 the terms of his prior Order of Supervision. *Fataliyeva v. Santacruz*, No.
6 5:26-CV-00506-DTB, 2026 WL 1206010, at *6 (C.D. Cal. Apr. 28, 2026)
7 (ordering release based on violation of OSUP revocation regulations).
8

9 C. Petitioner’s is Detained Without Statutory Authority and his
10 Detention Has Become Indefinite, Requiring Release

11 The statute at 8 U.S.C. § 1231 provides that during a specified ninety-day
12 removal period, “the Attorney General shall detain the alien.” 8 U.S.C. §
13 1231(a)(1)(A), (a)(2)(A). That removal period began when Petitioner’s removal
14 order became administratively final on October 30, 2019. 8 U.S.C. §
15 1231(a)(1)(B)(i). The ninety-day period has long since lapsed. The statute and
16 regulations are clear: after the ninety-day period ends, “If the alien . . . is not
17 removed within the removal period, the alien, pending removal, *shall be subject to*
18 *supervision* under regulations prescribed by the Attorney General.” 8 U.S.C. §
19 1231(a)(3) (emphasis added). After the ninety-day removal period ends, a person
20 is required to be released from detention under supervision. *See* 8 C.F.R. § 241.4.

21 In *Diallo v. Joyce*, No. 1:25-cv-09909-AS, 2025 WL 3718477, at *4,
22 (S.D.N.Y Dec. 23, 2025), the petitioner was ordered removed but had not
23 previously been detained. The court held that the statute did not authorize the
24 petitioner’s detention, rejecting the government’s argument that the mandatory
25 removal provisions of 8 U.S.C. § 1231 apply. *Id.* at * 2 (“The government’s
26 argument is wrong. Section 1231(a)(6) provides for a period of continued detention
27 for certain classes of people who have not been removed at the conclusion of the
28

1 ninety-day removal period. It isn't a free-roaming right to arrest and detain people
2 any time it sees fit, even a decade after the fact."). *See also id.* * 3 ("Nothing in this
3 provision suggests the arrest and detention of people anew, long after the removal
4 period has concluded. And such a reading would lead to anomalies."). *See also*
5 *Arshakyan v. Noem*, No. 1:26-CV-00394-DJC-SCR, 2026 WL 221771, at *2 (E.D.
6 Cal. Jan. 28, 2026), finding that "section 1231(a) solely provides for detention in
7 the 90 days following the date on which an order of removal becomes final."
8 Further, the removal period does not automatically reset with a new detention years
9 later. *Nguyen v. Scott*, No. 2:25-CV-01398, 2025 WL 2419288, at *13 (W.D.
10 Wash. Aug. 21, 2025); *Sied v. Nielsen*, No. 17-CV-06785-LB, 2018 WL 1876907,
11 at *6 (N.D. Cal. Apr. 19, 2018). Petitioner does not need to meet the 180 day bright
12 line test in order to shift the burden to the government under *Zadvydas*. *Trinh v.*
13 *Homan*, 466 F. Supp. 3d 1077, 1092 (C.D. Cal. 2020) ("At no point did
14 the *Zadvydas* Court preclude a noncitizen from challenging their detention before
15 the end of the presumptively reasonable six-month period.").

17 III. CONCLUSION

18 For all of the foregoing reasons, as well as those previously argued, the
19 Court should grant the petition for habeas corpus¹.

20 Dated: August 7, 2026

21 Respectfully Submitted,

22 S/Megan Brewer

23
24 ¹ At the time of filing the Petition, Petitioner, a stateless individual, was not
25 informed as to what country or countries to which Respondents sought his
26 removal. As such, he sought an order enjoining Respondents from removing him
27 to any country from which he has not had the opportunity to seek withholding of
28 removal and protection under the Convention Against Torture. Respondents now
assert that they are seeking to remove him to Armenia, the country in the 2019
order of removal, and not to any third country. Dkt. #9 at 7. Therefore, Petitioner
requests that the Court hold his third country removal claim in abeyance.

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