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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF CALIFORNIA

In the matter of

OGANES DOGANYAN,

Petitioner-Plaintiff

v.

KRISTI NOEM, Secretary, U.S. Department of
Homeland Security;
CALEB VITELLO, Acting Director of U.S.
Immigration and Customs Enforcement (ICE)
DREW H. BOSTOCK, Field Office Director,
Enforcement and Removal Operations (ERO)
Seattle, WA;
BRUCE SCOTT, Warden,
Northwest Detention Center,

Respondents-Defendants.

Case No.:

PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. § 2241

This is a petition for a writ of habeas corpus filed on behalf of Petitioner, Oganeg
Doganyan, who seeks relief to remedy his unlawful detention. Petitioner has been detained by
the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE)
branch at the Northwest ICE Processing Center in Tacoma, Washington since August 14, 2024.

1 Despite Petitioner's life threatening medical condition, Respondents have been unwilling to
2 place Petitioner in a detention facility that can properly treat Petitioner's multiple, serious,
3 medical problems and respond appropriately in case of an emergency. Hence, Respondents are in
4 violation of the ICE / ERO Detention Standard for Medical Care. Petitioner was born on April
5 21, 1972 in Armenia, which was then a part of the Soviet Union but gained its independence in
6 1991 due to the dissolution of the Soviet Union. Petitioner and several of his family members
7 were admitted to the United States at New York, NY on August 17, 1990 as refugees, and
8 Petitioner adjusted status to that of a lawful permanent resident under section 245 of the Act
9 effective the date of his admission. On July 2, 2018, Petitioner was convicted in the United
10 States District Court for the Central District of California for the offense of Mail Fraud, Aiding
11 and Abetting and Causing an Act to be Done and Conspiracy to Commit Money Laundering, in
12 violation of 18 U.S.C. 1341, 18 U.S.C. 2, and 18 U.S.C. 1956(h). On August 14, 2024, Petitioner
13 was detained at the Northwest ICE Processing Center in Tacoma, Washington. Petitioner has
14 numerous, serious medical issues including a rare, "Factor II Deficiency" blood disorder that
15 causes excessive bleeding, but the Northwest ICE Processing Center is not capable of treating
16 this rare medical problem, which if not treated properly, could cause death. Petitioner's doctors
17 have said this places his life at risk. Additionally, Petitioner suffers from hypertension, type II
18 Diabetes, dental problems, and anal fistula, and he requires regular bloodwork to monitor these
19 ailments. However, due to Petitioner's Factor II Deficiency, he was told by medical staff at the
20 Northwest ICE Processing Center in Tacoma that they could not obtain bloodwork or treat any of
21 his ailments out of fear that any treatment could cause excessive bleeding and death. Further,
22 Petitioner has a 76 year old U.S. citizen mother, a U.S. citizen wife, and two U.S. citizen
23 children as well as a large extended family who all live in the Los Angeles area. Petitioner has
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1 exhausted all alternatives to relief including a request for humanitarian parole that was submitted
2 to the Department of Homeland Security over two months ago (November 26, 2024) but has yet
3 to be answered despite Petitioner's repeated attempts for a decision or status. Hence, Petitioner
4 must rely on this Habeas Corpus petition in order to obtain justice. Because the Northwest ICE
5 Detention Center is not capable of taking necessary bloodwork, unwilling to treat his ailments,
6 and incapable of taking the necessary steps in the event of excessive bleeding, his life is in
7 jeopardy, and his continued detention is not justified under the Constitution or the Immigration
8 and Nationality Act (INA). Hence, Petitioner petitions this honorable court for relief.
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12 Dated: February 5, 2025

13 S/Adam W. Boyd, Esq.
14 S/Judith L. Wood, Esq.
15 Attorneys for Petitioner
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25 ¹ [https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-](https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-detention/)
26 [detention/](https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-detention/)

27 ² [https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2024-](https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2024-09/ICE-Detention-Snapshot_September-2024.pdf)
28 [09/ICE-Detention-Snapshot_September-2024.pdf](https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2024-09/ICE-Detention-Snapshot_September-2024.pdf)

29 ³ [https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-](https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-detention/)
30 [detention/](https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-detention/)

CUSTODY

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2 1. Petitioner is in physical custody of the Field Office Director for Enforcement and Removal
3 Operations (ERO), U.S. Immigration and Customs Enforcement (ICE), the Department of Homeland
4 Security (DHS), at the Northwest ICE Processing Center in Tacoma, Washington.
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JURISDICTION

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7 2. This action arises under the Constitution of the United States, the Immigration and
8 Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration
9 Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub. L. No. 104-208, 110 Stat.
10 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States
11 Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody
12 under color of authority of the United States and such custody is in violation of the U.S.
13 Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28
14 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.
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VENUE

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19 3. Venue lies in the United States District Court for the Federal District Court, Western District
20 of Washington, the judicial district in which the Petitioner is being held at in Tacoma, WA. 28
21 U.S.C. § 1391(e).
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PARTIES

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24 4. Petitioner, Oganeg Doganyan, is a permanent resident of the U.S., and he was born in the
25 former Soviet Union, a country that no longer exists. Additionally, although Petitioner is
26 Armenian by ethnicity, Armenia does not recognize the Petitioner as a citizen of that country.
27 Hence, Petitioner is stateless (i.e., not a citizen of any country). Petitioner was detained by
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1 Respondents pursuant to 8 U.S.C. § 1231, which permits the DHS to detain aliens, such as
2 Petitioner, pending the outcome of removal proceedings.

3 EXHAUSTION OF ADMINISTRATIVE REMEDIES

4 5. Petitioner has exhausted his administrative remedies by filing a request for humanitarian
5 parole with the Department on November 26, 2024, but to date, the Department has not made a
6 decision on that request. Petitioner has made numerous follow ups via email and telephone to
7 inquire as to the status of that request, but the Department has not responded to these inquiries
8 and has not been accessible via telephone.

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10 6. Petitioner's only remedy is by way of this judicial action.

12 STATEMENT OF FACTS

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14 7. Petitioner was born on April 21, 1972 in Armenia, which was then a part of the Soviet Union
15 but gained its independence in 1991 due to the dissolution of the Soviet Union. However,
16 because the Soviet Union no longer exists and because Armenia was not an independent country
17 when Petitioner was born, both of those countries do not recognize Petitioner as a citizen or
18 national.

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20 8. Petitioner arrived in the U.S. as a refugee on August 17, 1990 and is a permanent resident of
21 the U.S.

22 9. On July 2, 2018, Petitioner was convicted in the United States District Court for the Central
23 District of California for the offense of Mail Fraud, Aiding and Abetting and Causing an Act to
24 be Done and Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. 1341, 18
25 U.S.C. 2, and 18 U.S.C. 1956(h).

1 10. Petitioner was detained at the Northwest ICE Processing Center in Tacoma, Washington on
2 August 14, 2024.

3 11. Petitioner has numerous medical issues including a rare, "Factor II Deficiency," that doctors
4 have said places his life at risk. Additionally, Petitioner suffers from hypertension, type II
5 Diabetes, dental problems, and anal fistula and requires regular bloodwork to monitor these
6 ailments. However, due to Petitioner's Factor II Deficiency, he was told by medical staff at the
7 Northwest ICE Processing Center in Tacoma that they could not obtain bloodwork or treat any of
8 his ailments out of fear that any treatment could cause excessive bleeding and death.
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10 12. In this case, the ICE / ERO Detention Standard for Medical Care is not being met. This
11 standard requires that "[h]ealth care needs will be met in a timely and efficient manner... A
12 detainee who needs health care beyond facility resources will be transferred in a timely manner
13 to an appropriate facility where care is available... A detainee who requires close, chronic or
14 convalescent medical supervision will be treated in accordance with a written plan approved by
15 licensed physician... Detainees will have access to specified 24-hour emergency medical, [and]
16 dental... Detainees with chronic conditions will receive care and treatment for conditions where
17 non-treatment would result in negative outcomes or permanent disability as determined by the
18 clinical medical authority.
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20 13. The detention center he is currently at has not been treating his current medical problems nor
21 could it respond properly if Petitioner's "Factor II Deficiency" caused a severe, life threatening,
22 loss of blood.
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24 14. On November 26, 2024, Petitioner filed a request for humanitarian parole. To date, the
25 Department of Homeland Security has not made a decision on that request. Petitioner has made
26 numerous follow ups via email and telephone to inquire as to the status of that request, but the
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1 Department has not responded to these inquiries, and Petitioner has not been able to reach a DHS
2 officer via telephone despite relentless attempts to do so.

3 15. Given the alarming rate of deaths that have occurred at ICE detention centers, it is negligent
4 for ICE / ERO to continue to detain Petitioner given his specific circumstances. "Since January
5 1, 2017, Immigration and Customs Enforcement (ICE) has reported that 68 people have died in
6 its custody. This number does not include detained people who ICE released immediately prior
7 to their deaths, which ICE has admitted reduces the number of reported deaths, and allows the
8 agency to avoid accountability requirements."¹ An alarming twenty-three people have died in
9 ICE custody since the start of the Biden administration, but a study shows that 95% of those
10 deaths could likely have been prevented with adequate medical care.² A 2024 Physicians for
11 Human Rights study concluded that, "[s]ystemic failures in medical and mental health care have
12 caused preventable deaths in ICE detention. The overwhelming majority of deaths likely could
13 have been prevented if ICE had provided clinically appropriate medical care."³
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24 ¹ [https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-](https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-detention/)
25 [detention/](https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-detention/)

26 ² [https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2024-](https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2024-09/ICE-Detention-Snapshot_September-2024.pdf)
27 [09/ICE-Detention-Snapshot_September-2024.pdf](https://immigrantjustice.org/sites/default/files/content-type/research-item/documents/2024-09/ICE-Detention-Snapshot_September-2024.pdf)

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[detention/](https://phr.org/our-work/resources/deadly-failures-preventable-deaths-in-u-s-immigration-detention/)

CLAIMS FOR RELIEF

COUNT ONE

CONSTITUTIONAL CLAIM

16. Petitioner alleges and incorporates by reference paragraphs 1 through 15 above.

17. Petitioner's continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

18. The Fifth Amendment Prohibits detention without due process of law. See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001); *Demore v. Kim*, 538 U.S. 510, 523 (2003).

19. Courts have ordered the release of detainees on grounds of inadequate medical care.

See, e.g., *Coronel v. Decker*, 20-cv-2472, 2020 WL 1487274 (S.D.N.Y. Mar. 27, 2020) (ordering

immediate release of four petitioners with chronic medical conditions on due

process grounds); *People ex rel. Stoughton on behalf of Little et al. v. Brann*, Index

No. 260154/2020 (Bronx Sup. Ct. Mar. 25, 2020) (ordering immediate release

of 106 petitioners held at Rikers on a non-criminal technical parole violation who

are older or have underlying medical conditions).

20. Petitioner is entitled under the constitution to fair and humane treatment. The U.S.

Constitution protects the right to fair and humane treatment through the Fourteenth

Amendment's due process clause and the Eighth Amendment's protection from cruel and

unusual punishment.

21. Petitioner's treatment has not been fair and humane in accordance with ICE's 2008

Performance Based National Detention Standards (PBNDS). The Petitioner has numerous,

severe medical conditions including "Factor II Deficiency," which left unchecked could cause a

severe, life threatening, loss of blood. Additionally, Petitioner suffers from hypertension, type II

1 Diabetes, dental problems, and anal fistula and requires regular bloodwork to monitor these
2 ailments. However, due to Petitioner's Factor II Deficiency, he was told by medical staff at the
3 Northwest ICE Processing Center in Tacoma that they could not obtain bloodwork or treat any of
4 his ailments out of fear that any treatment could cause excessive bleeding and death.

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6 22. The ICE / ERO Detention Standard for Medical Care is not being met. This standard requires
7 that "[h]ealth care needs will be met in a timely and efficient manner... A detainee who needs
8 health care beyond facility resources will be transferred in a timely manner to an appropriate
9 facility where care is available... A detainee who requires close, chronic or convalescent medical
10 supervision will be treated in accordance with a written plan approved by licensed physician...
11 Detainees will have access to specified 24-hour emergency medical, [and] dental... Detainees
12 with chronic conditions will receive care and treatment for conditions where non-treatment
13 would result in negative outcomes or permanent disability as determined by the clinical medical
14 authority. These are all requirements of the standard, and because they are not being met,
15 Petitioner has been harmed because his health and well-being are in jeopardy.

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18 23. Because the Northwest ICE Detention Center is not capable of meeting the ICE / ERO
19 Detention Standard for Medical Care, including taking necessary bloodwork, treating Petitioner's
20 ailments, and is incapable of taking the necessary steps in the event of excessive bleeding,
21 Petitioner's life is in jeopardy, and his continued detention is not constitutional because it
22 constitutes unfair and inhumane treatment as well as cruel and unusual punishment.

23 COUNT TWO

24 CONSTITUTIONAL CLAIM

25
26 24. Petitioner alleges and incorporates by reference paragraphs 1 through 15 above.

1 25. Petitioner's continued detention violates his right to substantive and procedural due process
2 guaranteed by the Fifth Amendment to the U.S. Constitution.

3 26. Because the Department of Homeland Security has failed to answer the Petitioner's request
4 for Humanitarian Parole within a reasonable time period, Petitioner has been injured, and his
5 fifth amendment constitutional rights have been violated.

6 27. Because the Department of Homeland Security has not been accessible via telephone and has
7 failed to respond to telephone inquiries to provide Petitioner with status of his request for
8 Humanitarian Parole, Petitioner has been injured, and his fifth amendment constitutional rights
9 have been violated.

10 28. Because the Department of Homeland Security continues to detain Petitioner without
11 addressing his health concerns, Petitioner has been injured, and his fifth amendment
12 constitutional rights have been violated.

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17 CONFIRMATION

18 1. Counsel has spoken to the Petitioner and has confirmed the contents of this Habeas
19 Petition.

20 PRAYER FOR RELIEF

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

- 22 1. Assume jurisdiction over this matter;
23 2. Issue an order directing Respondents to show cause why the writ should not be granted;
24 3. Issue a writ of habeas corpus ordering Respondents to release Petitioner on his own
25 recognizance or under parole, a low bond or reasonable conditions of supervision;
26 4. Award Petitioner reasonable costs and attorney's fees; and,
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1 5. Grant any other relief which this Court deems just and proper.

2 Respectfully submitted,

3 /s/Adam W. Boyd, Esq.

4 /s/Judith L. Wood, Esq.

5 Attorneys for Petitioner