

District Judge James L. Robert
Magistrate Judge Michelle L. Peterson

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

OGANES DOGANYAN,

Petitioner,

v.

KRISTI NOEM, *et al.*,¹

Respondents.

Case No. 3:25-cv-05097-JLR-MLP

FEDERAL RESPONDENTS'
RETURN AND MOTION TO DISMISS
THE PETITION

Noted for Consideration:
April 10, 2025

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Federal Respondents substitute Acting Director Todd M. Lyons for Caleb Vitello.

FEDERAL RESPONDENTS' RETURN AND
MOTION TO DISMISS THE PETITION
[Case No. 3:25-cv-05097-JLR-MLP] - 1

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I. INTRODUCTION

This Court should deny Petitioner Oganeg Doganyan's request for release from his mandatory immigration detention. United States Immigration and Customs Enforcement ("ICE") lawfully detains Doganyan pursuant to Section 236(c) of the Immigration and Nationality Act ("INA"), codified at 8 U.S.C. § 1226(c), pending his administrative removal proceedings. He is subject to mandatory detention because of his criminal conviction for aggravated felonies. Doganyan alleges that his continued detention violates his Fifth Amendment due process rights.

Doganyan alleges that his detention is unlawful because the medical treatment available at the Northwest ICE Processing Center ("NWIPC") is inadequate to properly treat his medical conditions. Specifically, Doganyan alleges that NWIPC cannot take "necessary bloodwork, treating [his] ailments, and is incapable or [sic.] taking the necessary steps in the event of excessive bleeding." Pet., ¶ 23. He claims that "Respondents have been unwilling to place [him] in a detention facility that can properly treat [his] multiple, serious, medical problems and respond appropriately in case of an emergency." Pet., at 2. Disregarding the fact that Doganyan does not allege that he has sought a transfer to a different detention facility, ICE specifically placed Doganyan at NWIPC because of the level of care that would be available to him. NWIPC has significant ability to provide medical care to the detainees, and if such medical care is not available, referrals to specialists is available. Furthermore, Doganyan has not complied with the medical staff's requests to draw his blood to monitor his conditions. Thus, the facts do not support Doganyan's speculative concerns.

Doganyan's constitutional claim lacks merit. His continued detention does not violate substantive due process as the medical care at NWIPC provides for his reasonable safety. Doganyan cannot establish a substantive due process violation based on the Government's

1 purported deliberate indifference to his medical needs. ICE proactively placed Doganyan in a
2 facility with the ability to meet his medical needs and is providing him with appropriate,
3 necessary medical care for his medical conditions. Furthermore, as the Supreme Court has
4 repeatedly recognized, detention is a constitutionally permissible aspect of the Government's
5 enforcement of the immigration laws and fulfills the legitimate purpose of ensuring that
6 individuals appear for their removal proceedings. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 836
7 (2018); *Demore v. Kim*, 538 U.S. 510, 523 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690-91
8 (2001). Consistent with the requirements of due process, their confinement is thus "reasonably
9 related" to a legitimate government interest. *Bell v. Wolfish*, 441 U.S. 535, 538-39 (1979).

10 Accordingly, Federal Respondents (or the "Government") respectfully request that this
11 Court deny Doganyan's Petition for Writ of Habeas Corpus and grant its motion to dismiss. This
12 motion is supported by the pleadings and documents on file in this case and the Declarations of
13 George Chavez ("Chavez Decl."), Dr. Eddie Wang ("Wang Decl."), and Michelle R. Lambert
14 ("Lambert Decl.") with exhibits attached thereto. The Government does not seek an evidentiary
15 hearing.

16 II. FACTUAL BACKGROUND

17 Doganyan is a native of the Armenian province of the former Union of the Soviet
18 Socialist Republic and a citizen of Armenia. Chavez Decl., ¶ 3. He was admitted to the United
19 States in 1990 and later recognized as a lawful permanent resident. *Id.*; *see also* Lambert Decl.,
20 Ex. A, Form I-213.

21 In 2018, Doganyan was convicted of Mail Fraud, Aiding and Abetting and Causing an
22 Act to be Done and Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. § 1341,
23 18 U.S.C. 2, and 18 U.S.C. § 1956(h). Pet., at 2; Chavez Decl., ¶ 4. He was sentenced to 33
24 months of confinement and ordered to pay restitution of \$1,425,572.47. Chavez Decl., ¶ 4;

1 Lambert Decl., Ex. B, Criminal Records, at L131-114. In May of 2020, Doganyan's sentence
2 was amended to time served; he was remanded to home supervision via compassionate release;
3 and he was placed on supervised release for three years. Lambert Decl., Ex. B, at L130. But in
4 September of 2023, the court found that Doganyan violated the terms of the supervised release
5 order. *Id.*, at L133-32. As a result, he was taken back into custody by Federal Bureau of Prisons
6 ("BOP") for a ten-month term. *Id.*

7 Doganyan is currently in administrative removal proceedings. On August 14, 2024, ICE
8 took Doganyan into custody upon his release from the BOP and issued a Notice to Appear
9 ("NTA"). Pet., at 2; Chavez Decl., ¶ 5; Lambert Decl., Ex. C, Notice to Appear; Ex. D, Notice
10 of Custody Determination; Ex. E, Warrant for Arrest. He is currently detained at the NWIPC.
11 Pet., at 1. The NTA charges Doganyan with removal under 8 U.S.C. § 1227(a)(2)(A)(iii).
12 Lambert Decl., Ex. C, Notice to Appear. ICE has denied a request by Doganyan for
13 humanitarian parole. Chavez Decl., ¶ 6. An individual hearing before an Immigration Judge
14 ("IJ") is scheduled for April 4, 2025. Chavez Decl., ¶ 7.

15 ICE Health Service Corps ("IHSC") provides medical, dental and mental health care at
16 the NWIPC. Wang Decl., ¶ 5. The NWIPC is a Level 4 facility, meaning it can provide a higher
17 level of medical care. *Id.* Prior to his arrival at NWIPC, IHSC was notified of Doganyan's
18 blood clotting disorder and NWIPC was chosen to house Doganyan because of its capability to
19 address his medical needs. *Id.*, ¶ 5. NWIPC can manage patients with complex medical issues
20 and collaborates with multiple nearby emergency departments that can assist in assessing critical
21 patients and hospitalize unstable patients. *Id.* NWIPC also has collaborative agreements with
22 local specialty services that covers all aspects of medical specialties. *Id.* IHSC is treating
23 Doganyan's various medical conditions, including by making referrals to outside specialists. *See*

1 *id.*, ¶¶ 6-13. However, Doganyan has not accepted all the medical treatment offered to him. *Id.*,
2 ¶ 8.

3 **III. LEGAL STANDARD**

4 It is axiomatic that “[t]he district courts of the United States . . . are courts of limited
5 jurisdiction. They possess only that power authorized by Constitution and statute.” *Exxon Mobil*
6 *Corp. v. Allopah Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). “[T]he
7 scope of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the
8 present day.” *Dep’t of Homeland Sec. v. Thuraissigiam*, 140 S. Ct. 1959, 1974 n. 20 (2020).
9 Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions.

10 To warrant a grant of habeas corpus, the burden is on the petitioner to prove that his or
11 her custody is in violation of the Constitution, laws, or treaties of the United States. *See* 28
12 U.S.C. § 2241(c)(3); *Lambert v. Blodgett*, 393 F.3d 943, 969 n.16 (9th Cir. 2004).

13 **IV. ARGUMENT**

14 Doganyan’s detention is statutorily mandated, and his detention, including the medical
15 care offered, comports with due process. He is not entitled to release. Accordingly, this Court
16 should dismiss the Petition.

17 **A. ICE lawfully detains Doganyan pursuant to 8 U.S.C. § 1226(c).**

18 Doganyan’s detention is constitutional and statutorily mandated pursuant to 8 U.S.C.
19 §1226(c). *Demore v. Kim*, 538 U.S. 510, 530 (2003) (“Detention during removal proceedings is
20 a constitutionally permissible part of that process.”). Section 1226 provides the framework for
21 the arrest, detention, and release of noncitizens in removal proceedings. *See* 8 U.S.C. § 1226.
22 Section 1226(a) grants DHS the discretionary authority to determine whether a noncitizen should
23 be detained, released on bond, or released on conditional parole pending the completion of
24 removal proceedings. In contrast, detention pursuant to Section 1226(c) is mandatory for

1 noncitizens that commit certain criminal offenses. This detention may end prior to the
2 conclusion of removal proceedings “only if the [noncitizen] is released for witness-protection
3 purposes.” *Jennings*, 583 U.S. at 305-06 (internal quotation marks and citations omitted).
4 Section 1226(c) includes any non-citizen who “is deportable by reason of having committed any
5 offense covered in section 1227(a)(2)(A)(ii), (A)(iii), (B), (C), or (D) of this title.” 8 U.S.C. §
6 1226(c)(1)(B).

7 Here, Doganyan is charged as being removable pursuant to 8 U.S.C. § 1227(a)(2)(A)(iii)
8 due to his criminal convictions. Chavez Decl., ¶ 5. Section 1227(a)(2)(A)(iii) states that any
9 noncitizen “who is convicted of an aggravated felony at any time after admission is deportable.”
10 8 U.S.C. § 1227(a)(2)(A)(iii). Because Doganyan has been convicted of aggravated felonies as
11 defined by 8 U.S.C. §§ 1101(a)(43)(D), (a)(43)(M), & (a)(43)(U) after his admission to the
12 United States, his detention is statutorily mandated by Section 1226(c) until his removal
13 proceedings have concluded.

14 **B. Doganyan’s conditions of confinement claim is not properly brought pursuant to**
15 **habeas.**

16 This Court should not consider Doganyan’s conditions of confinement as part of a 28
17 U.S.C. § 2241 habeas corpus petition. *See Pinson v. Carvajal*, 69 F.4th 1059 (9th Cir. 2023).
18 Doganyan alleges that his medical care at the NWIPC violates his right to substantive and
19 procedural due process guaranteed by the Fifth Amendment, thus causing his detention to be
20 unlawful. *See Pet.*, ¶¶ 16-23. Although the relief he seeks is release from detention, his claim is
21 squarely focused on alleged constitutional violations caused by the adequacy of his medical
22 treatment at NWIPC. To be clear, the Petition asserts that NWIPC “is not capable” of providing
23 adequate medical care to Doganyan; it does not allege that detention *at any facility* would be
24 unlawful or unconstitutional. As such, this is a challenge to the conditions of Doganyan’s

1 confinement at the NWIPC and not a direct challenge to the legality or duration of his
2 confinement. Thus, “[t]he appropriate remedy for such constitutional violations, if proven,
3 would be a judicially mandated change in conditions and/or an award of damages, but not release
4 from confinement.” *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979); *see also Badea v. Cox*,
5 931 F.2d 573, 574 (9th Cir. 1991) (challenges to conditions of confinement are pursued in a civil
6 rights action).

7 While courts in this District have adjudicated conditions of confinement claims related to
8 the COVID-19 pandemic, those cases were decided under unique circumstances not present here.
9 *See, e.g., Dawson v. Asher*, No. 20-cv-0409, 2020 WL 1704324, at *8-9 (W.D. Wash. Apr. 8,
10 2020) (explaining the circumstances under which the Court undertook consideration of COVID-
11 19-related conditions of confinement claims in petitions brought under 28 U.S.C. § 2241).
12 Accordingly, this Court should decline to extend such consideration to the claims in this case.

13 **C. The conditions of Doganyan’s confinement are constitutional.**

14 *1. Doganyan cannot demonstrate that NWIPC has failed to offer him with adequate*
15 *medical care.*

16 Due process requires the government to assume some responsibility for civil detainees’
17 safety and well-being, such as “food, clothing, shelter, medical care, and reasonable safety.”
18 *DeShaney v. Winnebago Cty. Dep’t of Soc. Servs.*, 489 U.S. 189, 200 (1989). To demonstrate a
19 due process violation, a petitioner must show:

- 20 (i) The defendant made an intentional decision with respect to the conditions
21 under which the plaintiff was confined;
- 22 (ii) Those conditions put the plaintiff at substantial risk of suffering serious
23 harm;
- 24 (iii) The defendant did not take reasonable available measures to abate that
risk, even though a reasonable officer in the circumstances would have
appreciated the high degree of risk involved – making the consequences of
the defendant’s conduct obvious; and

1 (iv) By not taking such measure, the defendant caused the plaintiff's injuries.

2 *Castro v. Cty. of L.A.*, 833 F.3d 1060, 1071 (9th Cir. 2016) (en banc).

3 Doganyan cannot meet this standard. First, Doganyan cannot show that the medical care
4 at NWIPC puts him at a substantial risk of suffering serious harm. Federal Respondents do not
5 dispute that Doganyan has various medical conditions, including his Factor II deficiency. Pet.,
6 ¶ 11; Wang Decl., ¶¶ 6, 9-12. In fact, ICE placed Doganyan at NWIPC because IHSC can
7 provide a higher level of medical care to address his conditions and manage patients with
8 complex medical issues. Wang Decl., ¶ 5. NWIPC is in a large urban center in proximity to
9 several hospitals and specialists. *Id.*

10 Medical, dental and mental health care at the NWIPC is provided by IHSC. *Id.* IHSC
11 comprises a multidisciplinary workforce that consists of U.S. Public Health Service
12 Commissioned Corps officers, federal civil servants, and contract health professionals. *Id.* The
13 medical clinic at the NWIPC currently includes Family Medicine physicians, Emergency
14 Medicine physicians, Physician Aids, Advanced Nurse Practitioners, nurses, records technicians,
15 psychiatrists and behavioral health specialists, dentists and dental technicians. *Id.* The medical
16 clinic also has its own pharmacy, two pharmacists, and pharmacy technicians. *Id.* And for any
17 treatment or issue not treated at NWIPC, there are collaborative agreements with local specialty
18 services and numerous hospitals for treatment of critical patients. *Id.* Accordingly, Doganyan
19 cannot show the substantial medical care available to him places him at substantial risk of
20 sustaining serious harm.

21 Second, the medical care offered to Doganyan at NWIPC constitutes objectively
22 reasonable measures to abate the risk of serious physical harm. The Ninth Circuit applies an
23 objectively unreasonable test to failure-to-protect claims brought under the Due Process Clause.
24 *Castro*, 833 F.3d at 1071. "[T]he defendant's conduct must be objectively unreasonable, a test

1 that will necessarily ‘turn on the facts and circumstances of each particular case.’” *Id.* (quoting
2 *Kingsley v. Hendrickson*, 576 U.S. 389, 396 (2015) (alterations and internal quotation marks
3 omitted)).

4 Litigants claiming deliberate indifference must establish that government action is
5 “objectively unreasonable” – a standard akin to reckless disregard. *Gordon v. Cty. Of Orange*,
6 888 F.3d 1118, 1125 (9th Cir. 2018). “[T]he Constitution does not require that detention
7 facilities reduce the risk of harm to zero.” *C.G.B. v. Wolf*, 464 F. Supp. 3d 174, 212 (D.D.C.
8 2020) (quoting *Benavides v. Gartland*, No. 20-cv-46, 2020 WL 1914916, at *5 (S.D. Ga. Apr.
9 18, 2020) & citing *Dawson v. Asher*, No. 20-cv-0409, 2020 WL 1704324, at *12 (W.D. Wash.
10 Apr. 8, 2020)). Neither general allegations of negligence nor a petitioner’s general disagreement
11 with treatment received is enough to show deliberate indifference. *See Estelle v. Gamble*, 429
12 U.S. 97, 105-06 (1976). Rather, that standard can be met “only when the decision by the
13 [medical] professional is such a substantial departure from accepted professional judgment,
14 practice, or standards as to demonstrate that the person responsible actually did not base the
15 decision on such a judgment.” *Youngberg v. Romeo*, 457 U.S. 307, 321-22 (1982).

16 IHSC is providing Doganyan with appropriate, necessary medical care during his time at
17 NWIPC. Wang Decl., ¶ 14. Medical care at the NWIPC is generally governed by the 2011
18 Performance-Based National Detention Standards (“Standards”) concerning medical care. *Id.*,
19 ¶ 5; Standards, available at <https://www.ice.gov/detain/detention-management/2011> (last visited
20 Mar. 12, 2025). Although Doganyan alleges that the Standards is not being met (Pet., ¶ 12),
21 Doganyan has been offered medical care consistent with the Standards.

22 As described above, ICE placed Doganyan at NWIPC because of the higher level of care
23 available in the facility. Wang Decl., ¶ 5. As alleged in the Petition, Doganyan’s primary
24 medical issue of concern is his blood clotting disorder. Wang Decl., ¶ 6; Pet., ¶ 11. For potential

1 daily issues, IHSC has ensured the availability of necessary medication to treat minor persistent
2 bleeding, if it occurs, and placed special pharmacy orders to obtain the medication. Standards,
3 Sec. 4.3(II)(20) ("Prescriptions and medications shall be ordered, dispensed and administered in
4 a timely manner and as prescribed by a licensed health care professional."); Wang Decl., ¶ 6. If
5 an emergency occurs, NWIPC is near various hospitals. If a specialty service is needed, such as
6 hematology, IHSC will refer Doganyan to a specialist. Standards, Sec. 4.3(II)(6) ("A detainee
7 who is determined to require health care beyond facility resources shall be transferred in a timely
8 manner to an appropriate facility."); *see also* Wang Decl., ¶ 9 (referral to hematology specialist
9 concerning oral surgery); *id.*, ¶ 12 (referral to a gastroenterology specialist concerning anal
10 fistula). In fact, IHSC is treating or appropriately referring out treatment of Doganyan's other
11 medical issues. *Id.*, ¶¶ 9 (dental treatment), 10 (diabetes managed with medication), 11
12 (hypertension managed with medication), 13 (lab work performed).

13 Furthermore, Doganyan is incorrect that NWIPC cannot perform regular blood work to
14 monitor his medical conditions. Pet., at 2. Doganyan bases this assertion on a statement made
15 by NWIPC "medical staff" that his labs would not be taken due to his bleeding disorder. *See*
16 Pet., ¶ 11. Although he was told that his labs would not be drawn, this is not the full context of
17 the statement. The day after Doganyan was transferred to NWIPC, a physician's assistant did
18 tell him that his labs would not be drawn. But Doganyan's labs had been drawn less than two
19 months earlier while he was detained by BOP. Wang Decl., ¶ 7. Thus, IHSC requested this
20 information from BOP and was able to review these lab results. *Id.* IHSC further determined
21 that Doganyan's labs will be requested every six months instead of three months (usual IHSC
22 protocol) due to his increased risk for bleeding. *Id.*

23 Doganyan has not complied with this treatment plan. When IHSC attempted to draw labs
24 twice in January, Doganyan refused. *Id.*, ¶ 8; Lambert Decl., Ex. F, Refusals. After counseling,

1 Doganyan agreed to future lab work to monitor his condition. Wang Decl., ¶ 8. Yet he refused
2 to come to his medical appointment on March 7, 2025, for fasting bloodwork to be drawn. *Id.*
3 Doganyan finally allowed IHSC to collect blood samples for lab work this week, which returned
4 excellent results. *Id.*, ¶¶ 8, 13. If he is still detained, IHSC intends to follow up with lab work
5 again in six months. *Id.*, ¶ 13. Thus, his claim that IHSC cannot perform blood draws is without
6 merit.

7 With substantial medical treatment available to him – if he chooses to accept it –
8 Doganyan also cannot demonstrate that his medical care at NWIPC places him in sufficiently
9 imminent danger. “To satisfy the fourth element, a plaintiff need only prove a ‘sufficiently
10 imminent danger[],’ because a ‘remedy for unsafe conditions need not await a tragic event.’”
11 *Roman v. Wolf*, 977 F.3d 935, 943 (9th Cir. 2020) (quoting *Helling v. McKinney*, 509 U.S. 25,
12 33–34 (1993)). Doganyan generally points to deaths that have occurred at ICE facilities
13 throughout the country since 2017. Pet., ¶ 15. But his allegation does not limit itself to deaths
14 from inadequate medical treatment, or deaths at NWIPC. *See id.* Therefore, this Court should
15 find this assertion to be irrelevant here. Nor has he shown that his recent bloodwork indicates a
16 need for imminent treatment. Wang Decl., ¶ 13. Without any showing that he is in sufficient
17 imminent danger due to inadequate medical care at NWIPC, his due process claims concerning
18 the lawfulness of his detention due to alleged inadequate medical care should be dismissed.

19 Accordingly, Doganyan’s conditions of confinement do not violate his Fifth Amendment
20 substantive due process right to reasonable safety.

21 *2. Doganyan’s detention is not punitive.*

22 Doganyan’s detention is not punitive because it is reasonably related to legitimate
23 governmental objectives. When evaluating the constitutionality of civil detention conditions
24 under the Fifth Amendment, a district court must determine whether those conditions “amount to

1 punishment of the detainee.” *Bell*, 441 U.S. at 535. A petitioner may show punishment through
2 an express intent to punish or a condition that is not “reasonably related to a legitimate
3 governmental objective.” *Id.*; see also *Kingsley*, 576 U.S. at 398 (noting that “a pretrial detainee
4 can prevail by providing only objective evidence that the challenged governmental action is not
5 rationally related to a legitimate governmental objective or that it is excessive in relation to that
6 purpose”). “A restriction is punitive where it is intended to punish, or where it is ‘excessive in
7 relation to [its] non-punitive purpose.’” See *Jones v. Blanas*, 393 F.3d 918, 933-34
8 (9th Cir. 2004).

9 Doganyan presents no evidence that ICE or IHSC’s medical treatment constitutes an
10 express intent to punish him. Furthermore, the Supreme Court has recognized “a legitimate
11 government interest in ensuring noncitizens appear for their removal or deportation proceedings
12 and protecting the community from harm.” *Bryan v. ICE Field Off. Dir.*, No. 21-cv-00154, 2021
13 WL 4556148, at *4 (W.D. Wash. June 14, 2021), *report and recommendation adopted*, 2021 WL
14 4552442 (W.D. Wash. Oct. 5, 2021) (citing *Jennings*, 583 U.S. at 285-88, *Demore*, 538 U.S. at
15 520-22, *Zadvydas*, 533 U.S. at 690-91). As the Supreme Court has emphasized, “[t]he wide
16 range of ‘judgment calls’ that meet constitutional and statutory requirements [for federal
17 detention] are confided to officials outside of the Judicial Branch of Government.” *Bell*, 441
18 U.S. at 562. The Constitution thus leaves the Government latitude in determining how it may
19 achieve its legitimate interest in executing the immigration laws. In evaluating those
20 determinations, courts must be careful to impose only what the Constitution requires – not “a
21 court’s idea of how best to operate a detention facility.” *Id.*, at 539.

22 Doganyan’s detention is justified. He was convicted of serious fraudulent crimes.
23 Chavez Decl., ¶ 4. Furthermore, when BOP granted him home confinement via compassionate
24 release, Doganyan was redetained after he violated the terms of the supervised release order.

1 Relevant to his current detention, ICE has considered his request for Humanitarian Parole and
2 denied it. *Id.*, ¶ 6. Doganyan falls well short of demonstrating that this confinement at NWIPC
3 with the medical treatment available is so excessive that it evinces “an expressed intent to punish
4 on the part of detention facility officials.” *Bell*, 441 U.S. at 538. Moreover, Doganyan’s
5 detention is proportionately related to the Government’s non-punitive responsibilities and
6 administrative purposes. While civil detainees retain greater liberty protections than individuals
7 convicted of crimes, *see, e.g., Youngberg*, 457 U.S. at 321-22; *Bell*, 441 U.S. at 535, Doganyan’s
8 continued immigration detention pending removal cannot be described as punitive or excessive
9 in relation to the legitimate governmental purpose of protecting the public and ensuring his
10 appearance at his immigration proceedings.

11 3. *Release is not an appropriate remedy for the alleged violations.*

12 The sole relief that Doganyan seeks is his release from detention. However, he fails to
13 demonstrate that even if the alleged due process violations were established, that they would
14 warrant or require immediate release. Doganyan has not claimed that his detention anywhere
15 would be unlawful. He limits his claims to NWIPC. This is logical as he does not assert that he
16 was unable to receive adequate medical care when detained by BOP. Thus, it is unclear why
17 release would be the appropriate form of relief here. Or, “[e]ven if Petitioner could show a Fifth
18 Amendment violation, he does not establish that such a violation would justify immediate
19 release, as opposed to injunctive relief that would leave him detained while ameliorating any
20 unconstitutional conditions at the NWIPC.” *Ortiz v. Barr*, No. 20-cv-497, 2020 WL 13577427,
21 at *7 n.8 (W.D. Wash. April 10, 2020); *accord Doe v. Bostock*, No. 24-cv-326, 2024 WL
22 3291033, at *8 (W.D. Wash. Mar. 29, 2024).

23 Doganyan attempts to support his request for release by citing to cases where prisoners or
24 detainees were released during the COVID-19 pandemic. *Pet.*, ¶ 19. These cases are inapposite

1 to Doganyan's situation. In contrast to the medical treatment available to Doganyan at NWIPC
2 that is tailored to his medical conditions, the district court in *Coronel v. Decker*, 449 F. Supp. 3d
3 274, 283 (S.D.N.Y. 2020), found that ICE had "not taken any action to address the particular
4 risks COVID-19 poses to high-risk individuals." The court further stated that "the Government
5 can point to *no specific action* that it took in direct response to this serious, unmet medical need."
6 *Id.*, at 284 (emphasis in original). As listed above, IHSC has taken many actions to provide
7 appropriate and necessary medical care to Doganyan. In fact, he has refused some of the very
8 treatment that he complains is not being offered.

9 Therefore, even if this Court were to find that due process has been violated, immediate
10 release is not an appropriate form of relief.

11 **D. Doganyan's humanitarian parole claim is moot.**

12 This Court should dismiss Doganyan's claim that ICE's failure to respond to his request
13 for humanitarian parole in a reasonable time violates due process. Pet., ¶¶ 24-28. ICE has used
14 its discretion and denied the request, rendering Doganyan's claim moot. Chavez Decl., ¶ 6.

15 Federal courts lack jurisdiction to decide moot claims. *Lamuth v. Hartford Life & Acc.*
16 *Ins. Co.*, 30 F. Supp. 3d 1036, 1043 (W.D. Wash. 2014) (citing *Rosemere Neighborhood Ass'n v.*
17 *U.S. Environmental Protection Agency*, 581 F.3d 1169, 1172 (9th Cir.2009)). "The jurisdiction
18 of federal courts depends on the existence of a case or controversy under Article III of the
19 Constitution." *Pub. Util. Com'n of State of Cal. v. F.E.R.C.*, 100 F.3d 1451, 1458 (9th Cir. 1996)
20 (internal quotation marks and citations omitted). A claim is moot when "the issue[] presented
21 [is] no longer live or the parties lack a legally cognizable interest in the outcome." *City of Erie v.*
22 *Pap's A.M.*, 529 U.S. 277, 287 (2000). As no live controversy exists concerning the
23 humanitarian parole request, Doganyan's claim is moot.

1 To the extent that Donganyan is requesting this Court to grant parole, this Court lacks the
2 authority to do so. *See Acosta v. United States*, No. 14-cv-420, 2014 WL 2216105, at *4 n. 1
3 (W.D. Wash. May 29, 2014) (court lacked authority to grant parole under 8 U.S.C. §
4 1182(d)(5)(A)); *United States v. Li*, No. 12-cv-482, 2013 WL 6729895, at *2 (D.Ariz. Dec. 19,
5 2013) (there is no authority under which the court could compel the Attorney General to grant
6 humanitarian parole).

7 **CONCLUSION**

8 For the foregoing reasons, this Court should dismiss Doganyan's Petition in its entirety.

9 DATED this 13th day of March, 2025.

10 Respectfully submitted,

11 TEAL LUTHY MILLER
12 Acting United States Attorney

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24 *I certify that this memorandum contains 4,197
words, in compliance with the Local Civil
Rules*