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

OGANES DOGANYAN,

Petitioner,

v.

KRISTI NOEM, *et al.*,

Respondents.

Case No. 3:25-cv-05097-JLR-MLP
*[Assigned to the Hon. James L. Robert,
District Judge; and to the Hon. Michelle L.
Peterson, Magistrate Judge]*

PETITIONER OGANES DOGANYAN'S
MOTION FOR VOLUNTARY DISMISSAL
WITHOUT PREJUDICE; DECLARATION
OF JUDITH L WOOD IN SUPPORT
THEREOF

NOTING DATE June 20, 2025

[Proposed order filed concurrently herewith]

Petitioner Oganeg Doganyan, through undersigned counsel, respectfully moves this Court for an order voluntarily dismissing the above-captioned Petition for Writ of Habeas Corpus without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(2).

Respondent has filed a motion to dismiss, which the Magistrate has recommended be granted. However, Petitioner seeks to reserve the right to file a future habeas petition asserting additional grounds as they may arise. Therefore, dismissal without prejudice is appropriate.

1 The Ninth Circuit has held that Rule 41(a)(2) permits dismissal of an entire action by
2 court order upon such terms and conditions as the court deems proper. See *Hells Canyon*
3 *Preservation Council v. U.S. Forest Serv.*, 403 F.3d 683, 687 (9th Cir. 2005).

4 First, Petitioner respectfully submits that he did not timely oppose Respondent's motion
5 to dismiss due to difficulties in obtaining rebuttal medical records. Courts have recognized that
6 equitable considerations, such as a party's inability to obtain key evidence, may support a
7 request for voluntary dismissal. See *Smith v. Lenches*, 263 F.3d 972, 975 (9th Cir. 2001) (noting
8 courts may consider prejudice to defendant, extent of diligence, and reasons for delay).

9 Second, Petitioner has recently become aware of additional grounds for habeas relief
10 based on findings in an Immigration Judge's order dated May 29, 2025. Where a party seeks
11 dismissal in good faith to pursue newly arisen legal claims, courts have allowed Rule 41(a)(2)
12 motions. See *Westlands Water Dist. v. United States*, 100 F.3d 94, 97 (9th Cir. 1996)
13 (recognizing that Rule 41(a)(2) motions should be granted unless defendant will suffer legal
14 prejudice).

15 Finally, Petitioner respectfully requests expedited consideration of this motion pursuant
16 to Local Civil Rule 7(i), because the deadline to object to the Magistrate Judge's Report and
17 Recommendation recommending dismissal is June 4, 2025. LCR 7(i) provides that a motion
18 may be noted for earlier consideration where expedited relief is warranted.

19 *Respondents have indicated that they do *not* oppose the granting of this motion.

20 Respectfully submitted,

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23 **GIBBS HOUSTON PAUW LLP**

24 By: /s/ [Adam Boyd]

25 Adam W. Boyd, Esq.
26 Counsel for Petitioner

LAW OFFICE OF JUDITH L. WOOD

By: /s/ [Judith Wood]

Judith L. Wood, Esq.
Counsel for Petitioner

27 *Pursuant to the Local Rules of the U.S. District Court of the Western District of Washington,
28 the undersigned hereby certify that the above memorandum contains 322 words.

DECLARATION OF JUDITH L. WOOD

I, Judith L. Wood, hereby declare as follows:

1. I am an attorney duly licensed to practice law by the New Mexico Supreme Court and co-counsel for Petitioner Oganeg Doganyan in this action. I have personal knowledge of the facts set forth herein and if called I could and would competently testify thereto. I give this declaration in support of Petitioner's Motion for Voluntary Dismissal Without Prejudice.

2. Petitioner has recently become aware of additional grounds for habeas relief based on findings in an Immigration Judge's order dated May 29, 2025, in which it was found that Petitioner is a stateless individual. As such, there are no grounds for Petitioner's removal from the United States as Petitioner cannot be removed to the Armenia, of which he is not a citizen.

3. On June 3, 2025, my office contacted counsel for Respondents, Ms. Michelle R. Lambert, Assistant United States Attorney, via electronic mail regarding this intended motion. Respondents' counsel indicated they had no objection to this motion. A true and correct copy of the pertinent email correspondence between my office and Respondents' counsel is attached as **Exhibit 1.**

I declare that the foregoing is true and correct under the penalty of perjury of the laws of the United States. Executed this date of June 3, 2025, at Los Angeles, California.

/s/ [Judith L. Wood]

Judith L. Wood
Declarant