

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Emmanuil Manoukian,

Petitioner,

V.

Warden, Aurora Detention Center, *et al.*,

Respondents.

Civ. Action No. 1:25-cv-01018-KAS

Magistrate Judge Kathryn A. Starnella

REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Emmanuil Manoukian (“Mr. Manoukian”) is a noncitizen who has been detained by the U.S. Immigration and Customs Enforcement (“ICE”) for two hundred and ninety-three (293) days now. *See* Exhibit 1, TimeAndDate.com calculation. He was detained by Respondents on September 4, 2024. *See* ECF 7-1. Page 4, ¶ 17. Mr. Manoukian’s continued detention by the Respondents violates 8 U.S.C. § 1231(a)(6), as interpreted by the U.S. Supreme Court in the *Zadvydas v. Davis*, 533 U.S. 678 (2001) and as explained by the U.S. District Court for the Central District of California in *Trinh v. Homan*, 466 F. Supp. 3d 1077, 1083 (C.D. Cal. 2020).

Since Mr. Manoukian filed his Petition for Writ of Habeas Corpus (ECF # 1), Respondents have contacted the governments of the Republic of Georgia, the Republic of Armenia, and the Russian Federation. *See* Exhibit 2, Emails to and from ICE Supervisors. Mr. Manoukian has been told by the ICE Officer assigned to him that all three of these countries refused to issue travel documents to him. *See* Exhibit 2 and ECF 7-1, page 4, ¶¶ 14, 19, 22-23.

Mr. Manoukian has at all times cooperated in good faith with the Respondents in their requests for information on his nation of birth (the former U.S.S.R.), his parents' nationality and residential history, etc. *See* ECF 7-1, page 5, ¶ 24-25.

Mr. Manoukian's ICE Officer (believed to be ICE Officer Raymundo Lascano III) asked Mr. Manoukian if his parents "are Armenian," to which he responded, "yes." Mr. Manoukian was indicating that his parents are "ethnic Armenians," and not that they were born in Armenia. The ICE Officer then pursued, with ICE headquarters assistance, travel documents from the Republic of Armenia on the mistaken belief that Mr. Manoukian has some claim to derivative citizenship from the Republic of Armenia. *See* ECF #1-2, Exhibits D and E; *see also* Exhibit 2.

To date, Respondents have chased unrealistic claims of Mr. Manoukian's alleged eligibility for citizenship from the Republic of Armenia, Georgia, and Russian Federation. *See* ECF 1-2, Exhibit A and ECF 7-1, page 5, ¶ 26 ("[T]here is a significant likelihood of removal in the reasonably foreseeable future given the pending request for a [travel document] from Armenia."). Mr. Manoukian has no criminal charges pending against him – he was detained for missing his check-ins with Respondents in the Los Angeles area. *See* ECF 1-2, Exhibits D-E.

Mr. Manoukian is a permanent resident of the United States, but not a citizen of the United States, and is considered a "stateless person" due to his lack of any citizenship. He is currently being held in federal immigration detention while ICE officials continue to try to find a "third country" that will accept his deportation and transfer. A federal statute, 8 U.S.C. §1231(a)(1)(A), gives the government three months to effectuate such removal; yet almost three hundred (300) days later, the government has failed to do so and has failed to provide a date certain when such removal can be expected. Under such circumstances, **continued detention violates the statute as interpreted by the Supreme Court** in *Zadvydas v. Davis*, 533 U.S. 678 (2001) and as explained in the U.S. District Court for the Central District of California decision in *Trinh v. Homan*, 466 F.Supp.3d 1077 (C.D. Cal. 2020) (ICE detainees could not be sent back to Vietnam under an agreement between the two countries because they had arrived in the U.S. before 1995 as refugees),

and Mr. Manoukian must be released from custody on an Order of Supervision until such time as a removal date is secured.

The U.S. District Court for the District of Maryland heard a similar petition for a writ of habeas corpus and issued an order releasing the ICE detainee just five days ago in the case of *Anner Ariel Cordon-Salguero v. Kristi Noem*. See Exhibits 2 and 3. In *Cordon-Salguero*, Judge George L. Russell, III, noted that the detainee in question had previously been placed on an Order of Supervision and was placed in ICE detention on May 20, 2025. See Exhibit 2, pages 3-4. Judge Russell reviewed the Supreme Court's holding in *Zadvydas* and found that he had jurisdiction, despite ICE having moved Mr. Cordon-Salguero from Maryland to Newkirk, Oklahoma. *Id.*, pages 4-5.

Here, as in the Cordon-Salguero case, Mr. Manoukian's "90-day removal period" expired many months ago. *Id.*, at page 6; see also ECF #1 and 1-2. Judge Russell noted that:

The 90-day removal period is tolled and extended only if the alien fails to or refuses to make timely application in good faith for travel, or other documents necessary for the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal, 8 U.S.C. § 1231(a)(1)(C). The statute contains no provisions for pausing, reinitiating, or refreshing the removal period after the 90-day clock runs to zero. Or to zero.

The Court finds that under the clear language of the statute, and based upon the Government's arguments, Petitioner's 90-day removal period began to run on May 7, 2018, and expired... in August 2018...

[In] *Zadvydas*, the Supreme Court established a rebuttal presumption that six months could be determined a presumptively reasonable period, after which the burden shifts to the government to justify continued detention...

There is no reason to believe Petitioner is a flight risk or danger to the community. The Government has already released Petitioner previously because they determined, at least in part, he was not a flight risk or danger to the community. They allowed him to be imbedded in the community and indeed allowed him to work in the community, which he has done so...

The Court finds that Petitioner has met his burden under *Zadvydas* to provide good reason to believe that there is no significant likelihood of removal in the reasonable, foreseeable future.

The Government has failed to respond with any evidence sufficient to rebut that showing. The Government does not claim the Petitioner will indeed be removed from the United States within any reasonable (sic) foreseeable future, but rather the case is under current review by the Government of Mexico for issuance of a travel document...

See Exhibit 2, pages 6-9.

The similarities between the *Cordon-Salguero* case and the instant case are striking. If anything, Mr. Manoukian's prolonged detention is much more extreme (and ten times longer). Mr. Cordon-Salguero was detained on May 20, 2025. He was ordered released just thirty (30) days later. See Exhibit 3, page 4 and Exhibit 4. Mr. Manoukian has been detained for almost three hundred (300) days. See ECF 1-2, Exhibit E. As in *Cordon-Salguero*, Mr. Manoukian was previously determined not to be a flight risk or a danger to his community and he was released on an Order of Supervision, and was not on house arrest. See ECF 7-1, page 4. Respondent's bald assertion to the contrary is unsupported by any evidence. See ECF 7-1, page 5, ¶ 26.

Here, as in *Cordon-Salguero*, Respondents have failed to back up their claims with facts and evidence. See generally ECF 7 and 7-1. There is no evidence that the Republic of Armenia will ever issue a travel document for Mr. Manoukian, who has no ties to the Republic of Armenia, no claim to citizenship in the Republic of Armenia, and no family in the Republic of Armenia. See *supra*. Respondents have had their opportunity to provide evidence to justify Mr. Manoukian's continued detention, which is now approximately double what the Supreme Court found to be permissible in some situations. See *Zadvydas* at 701. Respondents have failed to demonstrate that Mr. Manoukian's indefinite detention is justified under statute and Supreme Court decision.

Based on the foregoing, Petitioner respectfully requests that his release with conditions be ordered by this Court.

Respectfully submitted,

Date: June 23, 2025

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Certificate of Service

I, Brian Scott Green, hereby certify that on this 23rd day of June, 2025, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing ("NEF") to all case participants.

/s/Brian Scott Green

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