

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 25-cv-01139-NYW

ANDRANIK AMIRYAN, aka ANDRANIK GHAZARYAN,

Petitioner,

v.

PAM BONDI, Attorney General,
KRISTI NOEM, Secretary of Homeland Security,
KELEI WALKER, U.S. Ice Field Director for the Denver Contract Detention
Facility, and
WARDEN OF DENVER CONTRACT DETENTION FACILITY,

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

MAY 29 2025
JEFFREY P. COLWELL
CLERK

**PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO ORDER TO
SHOW CAUSE**

Petitioner Andranik Amiryan, proceeding pro se, respectfully submits this reply to the Government's Response to the Court's Order to Show Cause and in further support of his Petition for a Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2241. Mr. Amiryan challenges the lawfulness of his continued detention by U.S. Immigration and Customs Enforcement (ICE), which has now extended more than 180 days beyond the start of his removal period on September 25, 2024. The government asserts that removal is imminent, yet the record reflects repeated

contradictions, unexplained delays, and a lack of clear evidence regarding the travel documents it claims to possess. **More than seven months have passed since Mr. Amiryan's removal period began, and the government has failed to demonstrate that his continued detention serves any constitutionally permissible purpose.** Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), due process does not permit indefinite civil detention based on uncertain or speculative grounds.

Because no significant likelihood of removal has been established, Mr. Amiryan respectfully requests that the Court order his immediate release.

On October 6, 2023, Petitioner Andranik Amiryan was taken into ICE custody, where he has remained detained for over 19 months as of the date of this filing. Respondent's Exhibit A, Declaration of Mark Kinsey ("Kinsey Decl."), ¶ 22.

On September 25, 2024, Mr. Amiryan's statutory removal period began. From this date forward, the government was under an obligation to either remove him within the presumptively reasonable 90-day period or, if removal could not be effectuated within 180 days, demonstrate that removal remained significantly likely in the reasonably foreseeable future.

On October 9, 2024, ICE provided Mr. Amiryan with a travel document application. He promptly completed and returned it, cooperating fully with the agency's request. Kinsey Decl. ¶ 40-41.

On October 29, 2024, ICE submitted Mr. Amiryan's completed travel document application to the Armenian government. Despite the submission, there was no further meaningful update to Mr. Amiryan for several months. *Id.*

On January 31, 2025, ICE claims it had received the travel documents from Armenia. *Id.* ¶ 43. However, there was no contemporaneous documentation provided to Mr. Amiryan confirming this receipt, and ICE did not take immediate action to remove him.

On February 25, 2025, ICE scheduled Mr. Amiryan for removal. Yet, inexplicably, ICE informed Mr. Amiryan that it could not locate the very documents it had claimed to receive weeks earlier. As a result, his removal was not carried out. *Id.* ¶ 47.

On May 7, 2025, ICE issued a "Failure to Depart" warning against Mr. Amiryan. Petitioner's Exhibit E, Form I-229(a) (May 7, 2025). Notably, ICE often issues such notices not when removal is imminent, but as a means of pressuring the noncitizen to assist in obtaining travel documents. Yet May 7 is the very same date on which ICE now claims to have received travel documents for Mr. Amiryan. Kinsey Decl. ¶ 51. Mr. Amiryan was not presented with this notice until May 19,

2025—twelve days after the document was dated and signed by Deportation Officer Mark Kinsey.

On May 19, 2025, the same day ICE presented the backdated Notice of Failure to Depart, two ICE agents called Mr. Amiryan to “intake” and asked him to assist them in obtaining travel documents and to suggest alternative countries for deportation. These inquiries directly contradicted ICE’s earlier assertions that travel documents from Armenia were already in hand and that removal was imminent.

During this conversation, Mr. Amiryan informed ICE agents that he feared returning to Armenia due to the risk of government retaliation and persecution. He also explained that he has no contact with anyone in Armenia and that his family remains in the United States.

After consulting with counsel, Mr. Amiryan signed Form I-229(a) on May 24, 2025, and submitted it to his Deportation Officer by placing it in the designated mailbox. Along with the signed form, Mr. Amiryan submitted all information reasonably available to him, including an attached letter addressed to Deportation Officer Mark Kinsey that outlines the specific efforts he has made to comply with the removal requirements and explains, in good faith, any items he was unable to fulfill. Petitioner’s Exhibit E.

Despite Mr. Amiryan's continued cooperation and repeated expressions of fear regarding return, ICE has failed to execute removal, and its handling of the travel documentation has been marked by inconsistency, delay, and lack of transparency.

I. ICE'S INCONSISTENT ACCOUNT UNDERMINES ITS CLAIM OF FORESEEABLE REMOVAL

The government bears the burden of demonstrating that Mr. Amiryan's removal is significantly likely in the reasonably foreseeable future. Yet the record offered by ICE reflects a pattern of inconsistent and unexplained assertions that fail to support that burden.

ICE claims to have received travel documents from the Armenian government on January 31, 2025, but failed to act with any urgency. When removal was scheduled for February 25, 2025, ICE stated it was unable to locate the documents it had supposedly received just weeks earlier, an omission that halted removal and remains wholly unaccounted for.

Rather than resolve the discrepancy, ICE introduced further confusion. On May 7, 2025, it again claimed to have received the same travel documents and issued a Notice of Failure to Depart. But Mr. Amiryan was not presented with this notice until May 19, 2025, when ICE agents simultaneously asked him to assist in obtaining travel documents and to identify alternate countries for removal. These

requests fundamentally contradict ICE's assertion that valid travel documents were already secured, and that removal was imminent.

Even if ICE possessed usable documentation from Armenia as early as January or May 2025, its request for Mr. Amiryan's assistance seven months after his removal period began suggests either: (1) the documents were never obtained; (2) the documents are lost; or (3) the documents were otherwise insufficient to execute removal. Although ICE's services have become increasingly overworked, at minimum, this inconsistency undermines the reliability of the government's response.

Moreover, the government has offered no coherent explanation for the sequence of events: no clarification of how travel documents could be received, misplaced, and then purportedly reacquired; no evidence to resolve the conflict between its internal statements and its agents' conduct; and no assurance that any removal will in fact occur.

These unresolved contradictions, coupled with ICE's reliance on vague or conflicting representations, fall far short of the clear showing required to justify prolonged detention. They point not to a foreseeable removal, but to administrative disarray. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), such uncertainty does not support continued confinement. Where the government cannot reconcile its own narrative, it cannot meet its burden.

II. CONTINUED DETENTION BEYOND THE PRESUMPTIVE REMOVAL PERIOD IS UNLAWFUL

Petitioner Andranik Amiryan has now been detained for well over 180 days since the commencement of his removal period on September 25, 2024, and nearly 20 months in total since first being taken into ICE custody on October 6, 2023. The government has not carried out its removal, nor has it provided a coherent or credible account of when, if ever, that removal might occur. Under established precedent, this prolonged detention, absent any clear path forward, has become presumptively unconstitutional.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that post-removal-period detention is limited to a presumptively reasonable six-month period. After that time, once a noncitizen demonstrates that there is “no significant likelihood of removal in the reasonably foreseeable future,” the burden shifts to the government to rebut that showing with sufficient evidence. Mere assertions or speculative timelines are not enough.

Here, Mr. Amiryan has not only exceeded that six-month threshold, but the surrounding circumstances strongly support a finding that removal is not reasonably foreseeable. ICE has offered conflicting narratives regarding whether travel documents were received, misplaced, or never obtained at all. While the

government insists that removal is pending, its actions, repeated delays, backdated notices, and requests for the petitioner's assistance in securing documents point to a contrary reality.

Even assuming the documents were once in the agency's possession, the inability or unwillingness to act on them over a period of several months undermines the claim that removal is imminent. ICE's repeated inquiries into alternate countries for removal further suggest that no workable removal plan is in place.

The consequences of this prolonged detention are not merely procedural—they are constitutional. Deprivation of liberty without sufficient justification contravenes the Due Process Clause of the Fifth Amendment. The government may not detain a person indefinitely on the theoretical possibility of future removal. The Supreme Court in *Zadvydas* was clear: where the prospect of removal becomes remote or speculative, the justification for continued detention falls away.

To date, the government has failed to meet its burden. It has not presented a credible removal timeline, offered a consistent explanation of Mr. Amiryan's status, or taken meaningful steps to effectuate his deportation. On this record, continued detention is neither lawful nor reasonable. The Constitution does not permit indefinite confinement under such vague and unsupported circumstances.

III. CONCLUSION

The government cannot indefinitely detain Mr. Amiryan while failing to take meaningful steps toward effectuating his removal. The inconsistent record surrounding his travel documents and ICE's own request for his assistance demonstrate that removal is not imminent or reasonably foreseeable.

Accordingly, Mr. Amiryan respectfully requests this Court order his immediate release from custody.

Respectfully submitted on May 22, 2025.



Andranik Amiryan, A#  Petitioner *Pro Se*

3130 N. Oakland Street

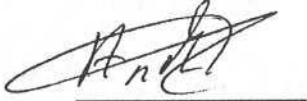
Aurora, CO 80010

CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2025, I sent a copy of this reply to Erika A. Kelley at the U.S. Attorney's Office via United States Postal Service located:

1801 California Street, Suite 1600
Denver, CO 80202

I further certify that on May 24, 2025, I served a copy of this reply to this Court via United States Postal Service.



Signature

Andranik Amiryan

#A 

Petitioner, *Pro Se*

EXHIBIT E

Petitioner's Signed Form I-229(a) – Warning for Failure to Depart and Written Response Addressing Mandatory Checklist Requirements

To: Deportation Officer Mark Kinsey

Re: Andranik Amiryan (A# [REDACTED]) – Response to I-229(a) and Requirement to Assist in Removal

Dear Officer Kinsey,

I am writing in response to the “Warning for Failure to Depart” dated May 7, 2025, and the checklist of requirements I received along with it on May 19, 2025. I want to make clear that I am cooperating in good faith with Immigration and Customs Enforcement and am making every effort to comply with the requirements under INA § 241(a)(1)(C). I have signed the I-229(a) form and below are my responses to the items checked on the instruction sheet:

1. I do not currently have a valid passport. I also do not currently possess a copy of my expired Armenian passport. To the best of my recollection, ICE previously obtained and retained my expired Armenian passport.
2. On October 29, 2024, I filled out and submitted an application for travel documents, which was sent to the Armenian embassy. As of today, I have not received any travel documents in response, nor am I aware of any being issued. If ICE has received any correspondence or travel documents from the Armenian government, I respectfully request a copy for my records.
3. I do not currently have possession of my Armenian birth certificate or national ID card. These documents were either lost or retained during prior immigration proceedings or detention, and I have no access to them while in custody.
4. My immediate family resides in the United States. Their names are:
 - Meline Ghazarian (my wife),
 - Christina Bella Amiryan (my 24-year-old daughter),
 - Raffi Amiryan (my 20-year-old son),
 - [REDACTED] Ghazarian (my 11-year-old son),
 - Ishkhan Amiryan (my father), and
 - Manushak Amiryan (my mother).My wife Meline works full-time to support our children and to care for my elderly parents, both of whom are in poor health. My daughter Christina is currently a full-time law student and has previously attempted to contact the Armenian embassy on my behalf, but was unsuccessful. Given the demanding responsibilities of my family and their limited capacity to intervene further, they are unable to pursue additional embassy contact at this time.

5. At this time, I do not have any reliable contacts in Armenia who could assist with obtaining travel documents. The limited family I have remaining there has cut off contact with me and my family in the United States due to the circumstances surrounding my case. In fact, my brother-in-law was severely beaten by the same individuals who have threatened my life, which has further isolated us from any potential support network in Armenia. For these reasons, I have no one in Armenia I can turn to for assistance with documentation or consular communication.
6. I am not a citizen or national of any other country besides Armenia. I have no ability to request permission from another country to accept my removal.
7. I confirm that I have always provided my full legal name and accurate date of birth. I have not used any false identities.

I am doing everything within my power to comply in good faith with my removal obligations. Please include this response in my file to reflect my continued cooperation. If ICE requires any further information, I am willing to assist to the best of my ability.

Sincerely,

Andranik Amiryan

A# 

Name: GHAZARYAN, ANDRANIK	Field Office: DVS-T	File #: 
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Section 243(a) of the Immigration and Nationality Act provides, in part, that:

Any alien against whom a final order of removal is outstanding by reason of being a member of any of the classes described in section 237(a) who—

- (A) willfully fails or refuses to depart from the United States within a period of 90 days* from the date of the final order of removal under administrative processes, or if judicial review is had, then from the date of the final order of the court,
- (B) willfully fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure,
- (C) connives or conspires, or takes any other action, designed to prevent or hamper or with the purpose of preventing or hampering the alien's departure pursuant to such, or
- (D) willfully fails or refuses to present himself or herself for removal at the time and place required by the Attorney General pursuant to such order,

shall be fined under title 18, United States Code, or imprisoned not more than four years (or 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)), or both.

Nothing in this section shall make it a violation to take proper steps for the purpose of securing cancellation of or exemption from such order of removal or for the purpose of securing the alien's release from incarceration or custody.

Any action Immigration and Customs Enforcement may take to obtain a travel document for your departure or to remove you will NOT relieve you of the liability for compliance with the provisions of law referred to in the first paragraph above.

* Section 241(a)(1)(C) provides for the extension of the statutory removal period if the alien refuses, during the removal period, to make application in good faith, for a travel or other document necessary for the alien's removal or departure or conspires or acts to prevent the alien's removal subject to an order of removal.

Date Order Final: October 06, 2023	Ordered Removed under Section: 212a6A1
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Record of Personal Service	
Served By: (Print Name and Title of Officer) M 8867 KINSEY, Deportation Officer	Date: May 07, 2025
Officer's Signature: 	Location of Service: U.S. IMMIGRATION & CUSTOMS ENFORCEMENT ICE ERO SANTA MARIA 740 West Century Street, Ste A Santa Maria, CALIFORNIA, 93455
Served On: (Alien's Signature)	Date: May 07, 2025

Record of Personal Service (Cont.)	
Fingerprint of Alien (Specify finger used)	
Attach certified mail receipts here.	

INSTRUCTION SHEET TO DETAINEE REGARDING REQUIREMENT TO ASSIST IN REMOVAL copy

The following is a list of things you are required to complete within 30 days of receiving this form, in order comply with your obligation to assist in obtaining a travel document:

Mandatory requirements will be checked off by the ICE officer depending on the facts of each case. Failure to comply or provide sufficient evidence of your inability to comply, may result in the extension of the removal period and subject you to further detention. In addition, you may be subject to criminal prosecution. If you need assistance in complying with any of the requirements, please contact a Deportation Officer.

- ☒ Submit passports (current and expired) to ICE. If you have a copy of your passport, you are to submit it.
- ☒ Apply for a travel document/passport from your embassy or consulate, or directly from your government in your native country, or any other embassy or consulate of your native country in another country.
- ☒ Comply with all instructions from all embassies or consulates requiring completion of documentation for issuance of a travel document.
- ☒ Submit to ICE birth certificates, national identification cards, and any other document issued by a foreign government indicating your citizenship, nationality, place of birth, and place of residence prior to entering the United States.
- ☒ Provide names and addresses of family and friends residing in the United States and request that they contact your embassy or consulate in the United States, in order to facilitate the issuance of a travel document.
- ☒ Provide names and addresses of family and friends residing in your country of citizenship and request family and friends residing abroad contact your government in reference to issuing a travel document.
- ☒ You are required to take measures to request reinstatement of your previous nationality, register as required, or take any other action that will ensure the issuance of a travel document and your removal from the United States.
- ☐ Provide ICE with written copies of requests to embassies or consulates requesting issuance of a travel document.
- ☐ Provide ICE with written copies of responses from embassies or consulates regarding your requests.
- ☒ Solicit permission from another country, which may be able to accept you, to enter that country to affect your removal from the United States.
- ☒ Provide your true and correct name and date of birth and any other identities you have ever used.
- ☐ Other: _____

Alien's Signature

A Number

Served by M 8867 KINSEY

Officer's Name

On May 07, 2025

Date

at

DVS-T

Location

To be served with I-229 (a) no later than 30 days after the final order

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