

**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 EMERGENCY MOTION TO STAY PENDING
RESOLUTION OF WRIT OF HABEAS CORPUS**

Petitioner, Andranik Amiryan, by and through pro se, respectfully moves this Court to issue an emergency stay of removal pending resolution of his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241.

INTRODUCTION

Petitioner is a native and citizen of Armenia who is currently in the custody of U.S. Immigration and Customs Enforcement (ICE) under a final order of

removal. Petitioner's habeas petition, challenging the legality of his prolonged post-order detention under *Zadvydas v. Davis*, 533 U.S. 678 (2001), is currently pending before this Court. On April 14, 2025, the Court granted Petitioner leave to file a reply to the government's response. That reply is currently being submitted.

On or about May 7, 2025, the government obtained purported travel documents for Petitioner's removal to Armenia. Upon information and belief, ICE intends to remove Petitioner imminently. Removal at this juncture would effectively deprive the Court of jurisdiction to adjudicate the pending habeas petition and would result in irreparable harm to Petitioner.

On May 19, 2025, ICE officers visited Petitioner at the facility and served him with a Notice of Failure to Depart, a copy of which is attached to Petitioner's reply to the government. During the encounter, the officers also inquired whether Petitioner was willing to be removed to any country other than Armenia.

On May 27, 2025, Petitioner was picked up from his facility in Aurora, Colorado without prior notice. The purpose of the pick-up was not explained, and as of the date of this filing, ICE has provided no documentation confirming valid travel documents or a scheduled removal.

ARGUMENT

A. A Stay is Necessary to Preserve the Court's Jurisdiction and Prevent Irreparable Harm

This Court has inherent authority to preserve its jurisdiction and prevent irreparable harm pending resolution of a habeas petition. See *Nken v. Holder*, 556 U.S. 418, 426 (2009). Courts routinely grant stays to maintain the status quo where removal would render a petition moot. See *Devitri v. Cronen*, 289 F. Supp. 3d 287, 296 (D. Mass. 2018).

Once removed, Petitioner would be unable to meaningfully pursue any legal remedy related to his unlawful detention. More importantly, his removal would moot the pending habeas corpus petition, depriving him of the opportunity for judicial review. See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001). In February 2025, ICE attempted to deport Petitioner without valid travel documents, a clear violation of its own removal protocols and international obligations. This failed removal attempt illustrates the government's lack of concrete planning or coordination with foreign authorities, raising serious doubts about whether the current removal plan is any more legitimate. Without a stay, ICE could once again attempt removal before the Court is able to fully assess the lawfulness of Petitioner's detention — effectively mooting the habeas petition and extinguishing this Court's jurisdiction.

This concern is not hypothetical. In *Nguyen v. Choate*, No. 18-cv-01176-PAB (D. Colo. Dec. 21, 2018), the District Court of Colorado dismissed a § 2241 habeas petition as moot after the petitioner was deported while his case was still pending. Although the petitioner had alleged prolonged and unlawful detention under *Zadvydas*, the court found it lacked jurisdiction once ICE executed the removal. This case illustrates the exact danger Petitioner now faces: absent a stay, ICE may remove him before this Court can adjudicate the merits of his claim, extinguishing jurisdiction and leaving Petitioner without a remedy.

Petitioner also faces profound and irreparable harm if removed. First and foremost, he would be forcibly returned to Armenia, a country where he fears unsafe and dangerous conditions, and where he would be without access to necessary medical care, support networks, or humanitarian protections. His removal would not only jeopardize his physical safety and well-being, but also cause extreme emotional distress and psychological trauma — both to him and to his U.S.-based family. Petitioner is currently taking a significant regimen of prescribed medications to manage his diagnosed depression, other mental health conditions, and various physical issues. His ongoing medical treatment requires regular monitoring, access to appropriate care, and stability, all of which would be severely disrupted upon removal.

Petitioner is the father of U.S.-based children, and his removal would result

in an immediate and indefinite separation from his family, which constitutes irreparable harm recognized by federal courts. See *Leiva-Perez v. Holder*, 640 F.3d 962, 969–70 (9th Cir. 2011) (recognizing separation from family as a form of irreparable harm warranting a stay of removal). The loss of familial support, community ties, and access to legal assistance in the United States would significantly impair his ability to protect his rights and participate in ongoing legal proceedings.

In addition, Petitioner has two active and pending appeals before the United States Court of Appeals for the Tenth Circuit, which remain unresolved. Removal at this stage would not only disrupt his habeas proceedings before this Court but would also undermine appellate jurisdiction and prevent Petitioner from effectively participating in his appeals. Courts have consistently acknowledged that deportation while judicial proceedings are pending may irreparably deprive a petitioner of meaningful access to the courts. See *Nken v. Holder*, 556 U.S. 418, 435 (2009) (recognizing that “removal is a serious burden” and may defeat the purpose of ongoing litigation). Once removed, Petitioner would face substantial, if not insurmountable, barriers to continuing litigation from abroad, including lack of access to counsel, communications difficulties, and time zone and language barriers.

Finally, the government’s stated intention to execute removal imminently —

while both a habeas petition and two appeals remain pending — would effectively nullify Petitioner’s statutory and constitutional rights, and permanently deprive him of the opportunity to seek redress for unlawful detention and removal. For all of these reasons, Petitioner has clearly demonstrated irreparable harm absent a stay.

B. The Habeas Petition Raises Serious Legal Questions

Petitioner’s claim under *Zadvydas* is not frivolous. He has been detained for more than 8 months following the entry of his final order of removal. Although ICE obtained travel documents ten days ago, it has not shown that removal is significantly likely in the reasonably foreseeable future, particularly given that ICE previously attempted to remove Petitioner in February 2025 without any valid travel documents in hand. That attempt was unlawful and ultimately unsuccessful. The fact that ICE moved forward with a removal attempt absent proper documentation casts doubt on the reliability of its current representations and undermines its assertion that removal is now imminent.

This Court has recognized that even after travel documents are issued, the government must still demonstrate that removal is significantly likely in the reasonably foreseeable future. In *Echegaray v. Fabbricatore*, No. 20-cv-00636-KLM (D. Colo. Apr. 6, 2020), the court ordered an evidentiary hearing on a habeas petition under *Zadvydas*, finding that ICE’s possession of a travel document did

not, in itself, prove that removal was reasonably foreseeable. In that case, ICE had delayed removal despite asserting they could deport the petitioner, and the court noted serious concerns over misleading representations about travel documents and ICE's failure to take steps to remove the petitioner prior to document expiration.

Similarly, here, although the government has recently obtained travel documents for Petitioner, it has not provided any specific evidence showing when or how removal will occur. As in *Echegaray*, the facts suggest continuing uncertainty, and the Court should not accept conclusory assertions from ICE as sufficient to justify prolonged detention.

C. The Balance of Equities Strongly Favors a Stay

The balance of equities in this case weighs heavily in favor of granting a stay. The government will suffer no prejudice from a brief delay in executing Petitioner's removal while this Court resolves his pending habeas petition. A temporary stay of removal will merely preserve the status quo and ensure that this Court retains the ability to exercise its jurisdiction meaningfully — a fundamental concern where constitutional liberty interests are at stake.

Petitioner has fully complied with all removal procedures to date. He has not absconded, obstructed, or otherwise delayed his removal, and there is no allegation by the government that he has engaged in any form of noncooperation. He has provided the necessary biographical information, cooperated during custody

reviews, and complied with ICE requirements. These facts distinguish this case from those where courts have found that delay was caused by the petitioner's own conduct. The government's interest in executing final orders of removal, while legitimate, does not outweigh the constitutional and statutory interests at issue here — particularly where judicial review is actively ongoing.

Granting a stay would also promote judicial economy and procedural fairness. It would prevent the case from becoming moot due to premature removal, thus sparing the need for additional post-removal litigation, which is often more complex and less effective. The stay ensures that the Court is not stripped of its jurisdiction before it has had an opportunity to fully adjudicate the lawfulness of Petitioner's prolonged detention under *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Accordingly, the equities tip decidedly in favor of maintaining the current state of affairs until the Court renders a decision. This ensures that both parties, and the justice system itself, retain the benefit of a fair and orderly process, free from the risk of premature or irreversible harm.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court stay his removal from the United States pending final resolution of his habeas corpus petition.

Respectfully submitted,

Andranik Amiryan

A# 

Date: May 27, 2025

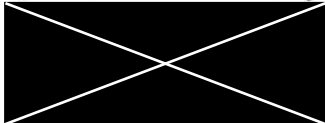
CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2025, I sent a copy of Petitioner's
Emergency Motion to Stay Removal 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 27, 2025, I served a copy of the foregoing to
this Court via United States Postal Service.

Christina B. Amiryan, daughter of Petitioner, on behalf of Andranik Amiryan
(Petitioner is currently in transportation, whereabouts unknown)



Signature: _____

A handwritten signature in cursive script, appearing to be 'CBA', written over a horizontal line.



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