

**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.

**RESPONSE TO PETITIONER'S EMERGENCY MOTION TO STAY PENDING
RESOLUTION FOR WRIT OF HABEAS CORPUS (ECF No. 20)**

Pursuant to the Court's May 29, 2025, Order, ECF No. 21, Respondents hereby respond to Andranik Amiryan's "Emergency Motion to Stay Pending Resolution of Writ of Habeas Corpus," ECF No. 20 (filed May 29, 2025). Amiryan, proceeding *pro se*, requests that the Court issue an emergency stay of his removal from the United States pending resolution of his petition for writ of habeas corpus.

As explained below, the motion should be denied. Before Amiryan filed his emergency motion, he was already scheduled to be removed on May 30, 2025, to his country of origin (Armenia) and not to another country, consistent with the order of removal that was issued to Amiryan by an immigration judge, and that became final on September 25, 2024. See ECF No. 18 at 5-6. He was removed to Armenia on May 30,

2025. See Ex. A ¶¶ 10-11 (Decl. of Mark Kinsey (June 4, 2025)). Because Amiryan is no longer in the custody of U.S. Immigration and Customs Enforcement ("ICE"), the motion and Amiryan's habeas petition, ECF No. 1, challenging his detention under ICE custody, should be denied as moot.

BACKGROUND

Amiryan's prior proceedings. Amiryan has been ordered removed to Armenia. He filed an application for protection from removal on January 11, 2024, based on his alleged fear of returning to Armenia. ECF No. 18 at 5. The application was dismissed by the Board of Immigration Appeals on September 25, 2024. *Id.* at 6. Further, the Tenth Circuit has previously denied his request for stay of his removal, see *Amiryan v. Bondi*, 24-9564 (10th Cir.), ECF No. 24 (order denying petitioner's emergency motion for stay), and Amiryan did not move to stay his removal when he filed a second petition of review in the Tenth Circuit on April 14, 2025. See *Amiryan v. Bondi*, 25-9540 (10th Cir.).

The habeas petition. Amiryan brought this habeas petition seeking release from custody on the ground that his continued detention by ICE was unconstitutional because there was no significant likelihood of his removal in the foreseeable future. See ECF No. 1. As discussed fully in Respondents' Response to the Courts Order to Show Cause, ICE has been working diligently to effectuate Amiryan's removal to Armenia before the August 27, 2025, expiration of his renewed travel documents. ECF No. 18 at 12-13.

Amiryan's removal from the United States. On May 7, 2025, ICE received

Amiryan's travel documents from the Armenian Government. Ex. A ¶ 7. ICE Enforcement and Removal Operations ("ERO") transferred Amiryan to Louisiana on May 27, 2025, so that he could be removed to Armenia on May 30, 2025. *Id.* ¶ 9. On May 29, 2025, Amiryan filed the emergency motion to stay his removal. ECF No. 20. The same day Amiryan also filed a Reply to Respondents' Response to the Court's Order to Show Cause, ECF No. 18. See ECF No. 19. In the Reply, Amiryan claimed that his removal was not imminent or reasonably foreseeable and requested that the Court order his immediate release. *Id.* at 1-2. The next day, on May 30, 2025, Amiryan was removed from the United States to Armenia. Ex. A ¶ 10. Amiryan arrived in Armenia on May 31, 2025, and is no longer in ICE custody. *Id.* ¶¶ 11-12.

Amiryan's emergency motion. In his emergency motion, Amiryan argued that a stay of his removal was necessary for the Court to "preserve its jurisdiction and prevent irreparable harm pending resolution" of his habeas petition. ECF No. 20 at 3. He acknowledged that "his removal would moot the pending habeas corpus petition." *Id.* at 3. He suggested that ICE intends to remove him "imminently" but also that his removal is not "significantly likely in the reasonably foreseeable future." *Id.* at 6. He then appeared to make arguments challenging not his detention, but his final removal order, contending that removal to his country of origin, Armenia, would "jeopardize his physical safety and well-being . . . [and] cause extreme emotional distress and psychological trauma." *Id.* at 4.

ARGUMENT

As discussed fully in Respondents' Response to the Courts Order to Show Cause, ICE has been working diligently to effectuate Amiryan's removal to Armenia. ECF No. 18 at 12-13. Accordingly, Amiryan was removed from the United States on May 30, 2025. Ex. A ¶ 10. Amiryan is no longer in the custody of ICE. *Id.* ¶ 11. Thus, Amiryan's habeas petition, ECF No. 1, and motion, ECF No. 20, are moot.

Amiryan's habeas petition is moot. Because the Petition for a Writ of Habeas Corpus, ECF No. 1 (filed on April 10, 2025) seeks release from ICE detention, and Amiryan is no longer in ICE custody, this matter is now moot. Thus, the Court lacks jurisdiction over this action. *See Rio Grande Silvery Minnow v. Bureau of Reclamation*, 601 F.3d 1096, 1110 (10th Cir. 2010) ("The crucial question [in determining mootness] is whether granting a *present* determination of the issues offered will have some effect in the real world." (emphasis in original)).

Nor do any concerns Amiryan expressed in his motion about his final order of removal to Armenia show that his habeas petition is not moot. *See Riley v. I.N.S.*, 310 F.3d 1253, 1256-57(10th Cir. 2002) ("We will not dismiss a petition as moot if '(1) secondary or 'collateral' injuries survive after resolution of the primary injury; (2) the issue is deemed a wrong capable of repetition yet evading review; (3) the defendant voluntarily ceases an allegedly illegal practice but is free to resume it at any time; or (4) it is a properly certified class action suit.'" (citations omitted). Here, none of the exceptions to the mootness doctrine apply. Prior to his removal, Amiryan did not

challenge his final order of removal under 8 U.S.C. § 1231(a) in the habeas petition. See ECF No. 1. Rather, he only asserted that his continued detention by ICE violated due process because his removal was “not likely to occur in the near future” and his “continued detention is unnecessary and unduly burdensome.” *Id.* at 2-3. Even after Respondents’ provided evidence, through the declaration of ICE Deportation Officer Mark Kinsey, that Amiryan’s removal was imminent before expiration of his travel documents on August 27, 2025, Amiryan claimed in his Reply, that his removal was “not imminent or reasonably foreseeable” because ICE had not “presented a credible removal timeline . . . or taken meaningful steps to effectuate his deportation.” ECF No. 19 at 8-9. Despite Amiryan’s contentions, Respondents have established that Amiryan’s removal was reasonably foreseeable, and accordingly, he has been removed from the United States. There is no other basis for Amiryan to proceed in this habeas action.

Amiryan’s emergency motion is moot, too. Because the emergency motion, ECF No. 20, requested that the Court issue a stay of Amiryan’s removal, the motion is now also moot. *Cf. Riley*, 310 F.3d at 1256-57. In filing the motion, Amiryan appeared to argue both that his removal was not imminent and reasonably foreseeable, see ECF No. 20 at 6; see *a/so* ECF No. 19, and that he was at risk of immediate removal, which should be stayed by the Court. ECF No. 20 at 3. As discussed above, Amiryan’s removal, resolves the claims in this action because he is no longer in ICE custody.

In the motion, Amiryan alleges that removal to his country of origin, Armenia, would cause “irreparable harm” and that the stay is necessary so that he can participate

in his appeals that have been filed in the U.S. Court of Appeals for the Tenth Circuit. ECF No. 20 at 3-5. But as explained above, Amiryan already challenged his removal to Armenia during his removal proceedings and then before the Tenth Circuit. Amiryan cannot raise those challenges in this proceeding, which simply challenged his detention awaiting execution of his final removal order.

CONCLUSION

For the foregoing reasons, the motion should be denied.

Respectfully submitted on June 5, 2025.

J. BISHOP GREWELL
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CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system.

I further certify that on June 5, 2025, I directed personnel of the United States Attorney's Office to mail the foregoing via U.S. Mail, to the following non-CM/ECF participants:

Andranik Amiryan

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Petitioner, *pro se*

s/ Erika. A. Kelley
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