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19 UNITED STATES DISTRICT COURT FOR THE
20 CENTRAL DISTRICT OF CALIFORNIA

21 ARTEM VASKANYAN,

22 Petitioner,

23 v.

24 James Janecka, Warden, Adelanto ICE
25 Processing Center, Thomas Giles, Los Angeles
26 ICE Field Office Director, Todd Lyons, Acting
27 Director of U.S. Immigration and Customs
28 Enforcement, Kristi Noem, Secretary of the U.S.
Department of Homeland Security; Pamela
Bondi; Attorney General of the United States.

Respondents.

Case No. _____

**Petition for Writ of
Habeas Corpus**

**Oral Argument
Requested**

INTRODUCTION

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2 1. Petitioner Artem Vaskanyan, (“Petitioner” or “Mr. Vaskanyan”) came
3 to the United States as a refugee in 1993. Upon information and belief, he is
4 currently detained in the custody of the Department of Homeland Security (DHS),
5 Immigration and Customs Enforcement (ICE) (“ICE” or “government”) at the
6 Adelanto ICE Processing Center in Adelanto, CA. Mr. Vaskanyan is stateless. He
7 has been detained by DHS for more than 180 days following the entry of a final
8 order of removal.
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11 2. Mr. Vaskanyan was ordered removed to Russia, or in the alternative,
12 Azerbaijan, by the Boston Immigration Court in April 2012. He has been detained
13 in ICE custody since November 12, 2024. Mr. Vaskanyan cannot be removed from
14 the United States to either Russia or Azerbaijan as he is a citizen of neither country.
15 He also cannot be removed to another country without being afforded notice and an
16 opportunity to be heard. He has been provided with no such notice. *See* Preliminary
17 Injunction in *D.V.D. v. U.S. DHS*, No. 25-10676 (D. Mass. April 18, 2025). That
18 order precludes removal of noncitizens like Mr. Vaskanyan to any third country
19 without advance notice and an opportunity to be heard. A copy of that order can be
20 found here: [https://immigrationlitigation.org/wp-content/uploads/2025/04/64-Class-](https://immigrationlitigation.org/wp-content/uploads/2025/04/64-Class-Cert-PI-Order.pdf)
21 [Cert-PI-Order.pdf](https://immigrationlitigation.org/wp-content/uploads/2025/04/64-Class-Cert-PI-Order.pdf).
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1 3. In *Zadvydas v. Davis*, the Supreme Court emphasized that, “[f]reedom
2 from imprisonment— from government custody, detention, or other forms of
3 physical restraint—lies at the heart of the liberty that [the Due Process] Clause
4 protects.” 533 U.S. 678, 690 (2001) (citation omitted).

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6 4. The Court underscored that civil detention is thus only constitutionally
7 permissible in “special and narrow nonpunitive circumstances, where a special
8 justification . . . outweighs the individual’s constitutionally protected interest in
9 avoiding physical restraint.” *Id.* at 690 (citations omitted) (internal quotations
10 omitted). The Court thus concluded that, “[a] statute permitting indefinite detention
11 of [a noncitizen] would raise a serious constitutional problem.” *Id.* at 690, 680
12 (“[T]here is reason to believe that [Congress] doubted the constitutionality of more
13 than six months’ detention.”).

14 5. While ICE is generally permitted up to ninety days to effectuate the
15 removal of a person with a final order of removal, 8 U.S.C. § 1231(a)(1)(A), if the
16 government is unable to comply with this removal period, the government “may”
17 continue detention beyond the 90-day removal period if a noncitizen falls within
18 certain broad categories of removability or is determined “to be a risk to the
19 community or unlikely to comply with the order of removal.” 8 U.S.C. §1231(a)(6).
20 However, the Supreme Court has held that this period is limited to “a period
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1 reasonably necessary to bring about that [noncitizen's] removal from the United
2 States.” *Zadvydas*, 533 U.S. at 689. This is because the primary purpose of post-
3 order detention is to “assure[e] the [noncitizen's] presence at the moment of
4 removal.” *Id.* at 702. This government interest in “preventing flight,” however, “is
5 weak or nonexistent where removal seems a remote possibility at best.” *Id.* at 690.
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8 6. In *Zadvydas*, the Supreme Court held that noncitizens cannot be
9 detained indefinitely if the government is unable to carry out their removal. Instead,
10 detention after a final order of removal is authorized only when removal is
11 reasonably foreseeable. As a guide to courts, the Supreme Court in *Zadvydas*
12 established a presumption that detention after a final order of removal was
13 reasonably foreseeable for up to six months. Detention after a final order may be
14 unlawful even when six months have not passed. The presumption of
15 reasonableness up to the six-month mark is just that—a presumption that can be
16 rebutted.
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20 7. Mr. Vaskanyan has been detained for more than six (6) months in ICE
21 custody. He is stateless and therefore removal is not foreseeable. Moreover, a final
22 order of removal was entered against Mr. Vaskanyan on April 26, 2012 and
23 therefore ICE has had more than a decade to prepare for his removal. Yet, ICE has
24 not and, upon information and belief, cannot effectuate his removal because Mr.
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1 Vaskanyan is stateless. Therefore, Mr. Vaskanyan respectfully petitions this Court
2 and requests that an order be entered for his immediate release under reasonable
3 conditions of supervision.
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5 8. Pending the adjudication of this Petition, Petitioner respectfully
6 requests that the Court use its authority under 28 U.S.C. § 2243 to order
7 Respondents to file a return within three days, unless they can show good cause for
8 additional time. See 28 U.S.C. § 2243. Petitioner respectfully requests a return in
9 three days given that ICE has recently transferred Petitioner to California from
10 Buffalo, NY without notice, and he was previously transferred to Buffalo, NY from
11 Central Falls, RI also without notice. Each transfer requires Petitioner to find new
12 counsel to try to protect his rights.
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16 9. Pending the adjudication of this Petition and in order to comport with
17 due process, Petitioner also respectfully requests Respondents be ordered to provide
18 at least seventy-two (72) hours notice of any movement of Mr. Vaskanyan from
19 California.
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21 PARTIES

22 10. Petitioner Artem Vaskanyan is ethnically Armenian. He was admitted
23 to the United States in 1993 as a refugee from Azerbaijan. He has continuously
24 lived in the United States since his arrival here. If released from ICE custody, he
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1 will live with his US citizen brother and mother in Massachusetts.

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3 11. Respondent Thomas Giles is the Field Office Director for the Los
4 Angeles Field Office of ICE Enforcement and Removal Operations. He is sued in
5 his official capacity only. Field Office Director Giles is charged with exercising
6 authority over the removal operations carried out by ICE in the Los Angeles
7 geographic region, which includes the Adelanto ICE Processing Center, and for
8 determinations on whether and where Petitioner is to be detained prior to removal.
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10 12. Respondent James Janecka is sued in his official capacity as Warden of
11 the Adelanto ICE Processing Center, the ICE facility at which Petitioner is currently
12 detained.
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14 13. Respondent Todd Lyons is named in his official capacity as the Acting
15 Director for U.S. Immigration and Customs Enforcement. As the Senior Official
16 Performing the Duties of the Director of ICE, he is responsible for the administration
17 and enforcement of the immigration laws of the United States and is legally
18 responsible for pursuing any effort to remove the Petitioner; and as such is a legal
19 custodian of Mr. Vaskanyan.
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22 14. Respondent Kristi Noem is sued in her official capacity as the Secretary
23 of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent
24 Noem is responsible for the implementation and enforcement of the Immigration
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1 and Nationality Act and oversees U.S. Immigration and Customs Enforcement the
2 component agency responsible for Mr. Bagira's detention and custody. Respondent
3 Noem is a legal custodian of Mr. Vaskanyan.
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5 15. Respondent Pamela Bondi is sued in her official capacity as the
6 Attorney General of the United States and the senior official of the U.S.
7 Department of Justice (DOJ). In that capacity, she has the authority to adjudicate
8 removal cases and to oversee the Executive Office for Immigration Review
9 (EOIR), which administers the immigration courts and the BIA. Respondent Bondi
10 is a legal custodian of Mr. Vaskanyan.
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13 **JURISDICTION AND VENUE**

14 16. This Court has jurisdiction under the United States Constitution. U.S.
15 Const. art. I § 9, cl. 2 ("The privilege of the Writ of Habeas Corpus shall not be
16 suspended, unless when in Cases of Rebellion or Invasion the public Safety may
17 require."").
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20 17. This Court also has jurisdiction under 28 U.S.C. § 1331 (federal
21 question), 28 U.S.C. § 2241 (habeas corpus), and 28 U.S.C. § 1651 (All Writs Act).
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23 18. This Court has jurisdiction to grant injunctive relief in this case
24 pursuant to the Declaratory Judgement Act, 28 U.S.C. § 2201.
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26 19. While only the federal circuit courts have jurisdiction to review
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1 removal orders through petitions for review, *see* 8 U.S.C. § 1252(a), federal district
2 courts have jurisdiction to hear habeas corpus petitions brought by people in
3 immigrant detention to challenge the lawfulness of their detention. *See Demore v.*
4 *Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas*, 533 U.S. at 687 (2001).

6 20. Venue is proper in the U.S. District Court for the Central District of
7 California. Upon information and belief, Petitioner is currently detained at the
8 Adelanto ICE Processing Center in Adelanto, California, which is within the
9 Central District of California. *See* 28 U.S.C. § 1391(e).

12 **RELEVANT FACTS**

13 21. Mr. Vaskanyan was born on or about November 16, 1979 in the Soviet
14 Republic of Azerbaijan within the USSR. He is a Christian Armenian.

15 22. Mr. Vaskanyan and his family were forced to flee the Soviet Republic
16 of Azerbaijan in approximately 1986, when Mr. Vaskanyan was only a child,
17 because they were at risk of falling victim to the Azerbaijanis' ethnic cleansing of
18 Armenians living in Azerbaijan. Mr. Vaskanyan, his mother, and other family
19 members left their lives and property in the Soviet Republic of Azerbaijan and fled
20 to Russia.

21 23. Mr. Vaskanyan and his relatives lived in Russia temporarily until they
22 were granted refugee status in the United States.

1 24. Mr. Vaskanyan never became a citizen of Russia. He also never lived
2 in the post-Soviet, independent Republic of Azerbaijan and therefore never
3 acquired citizenship there. The country to which Mr. Vaskanyan was a citizen, the
4 Soviet Republic of Azerbaijan, no longer exists. The current Republic of
5 Azerbaijan continues to pursue a campaign of genocide against ethnic Armenians.
6 See U.S. Department of State Azerbaijan 2023 Human Rights Report, publicly
7 available at [https://www.state.gov/wp-](https://www.state.gov/wp-content/uploads/2024/03/528267_AZERBAIJAN-2023-HUMAN-RIGHTS-REPORT.pdf)
8 [content/uploads/2024/03/528267_AZERBAIJAN-2023-HUMAN-RIGHTS-](https://www.state.gov/wp-content/uploads/2024/03/528267_AZERBAIJAN-2023-HUMAN-RIGHTS-REPORT.pdf)
9 [REPORT.pdf](https://www.state.gov/wp-content/uploads/2024/03/528267_AZERBAIJAN-2023-HUMAN-RIGHTS-REPORT.pdf).
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12 25. Following his arrival in the United States as a refugee in 1993, Mr.
13 Vaskanyan became a lawful permanent resident. He was a child without father
14 figure in his life; he did not speak English and had a second-grade education when
15 he was forced to flee the Soviet Republic of Azerbaijan; and he carried the
16 memories of the atrocities of ethnic cleansing in his child's mind.
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20 26. At the age of nineteen, Mr. Vaskanyan was arrested when he
21 participated in a home invasion with several other people. Declaration of Artem
22 Vaskanyan (Exhibit A hereto). In December 2001, he was convicted in the
23 Hampden County Superior Court of Massachusetts on charges including home
24 invasion, assault and battery, and armed assault. See *Commonwealth v. Vaskanyan*,
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1 *Artem R.*, Case No. 0079CR01691. Even though he was not the shooter in the
2 incident, Mr. Vaskanyan was sentenced to consecutive sentences totaling 30 to 35
3 years' imprisonment, with a parole eligibility after greater than 20 years.
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5 27. During his time in criminal custody, ICE initiated immigration removal
6 proceedings. Without counsel and while in criminal custody, Mr. Vaskanyan
7 appeared before an Immigration Judge in the Boston Immigration Court and was
8 ordered removed on April 26, 2021.
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10 28. Because Mr. Vaskanyan was only nineteen years old at the time of his
11 crimes, which did not involve murder, his sentence was presumptively
12 unconstitutional under Article 26 of the Massachusetts Declaration of Rights. *See*
13 *Diatchenko v. District Attorney for the Suffolk Dist.*, 466 Mass. 655 (2013 (it was a
14 violation of Article 26 to sentence a juvenile convicted of first-degree murder to life
15 without parole based on their brain maturation), *Commonwealth v. Mattis*, 493
16 Mass. 216 (2024) (it is a violation of Article 26 to sentence an emerging adult—age
17 eighteen, nineteen, or twenty at the time of their first-degree murder crimes—to life
18 without parole based on their brain maturation), and *Commonwealth v. Perez*, 477
19 Mass. 677 (2017) (the sentence of a juvenile convicted of crimes less than murder
20 that has a parole eligibility greater than fifteen years is presumptively a violation of
21 Article 26's proportionality mandate).
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1 29. On September 2, 2024, the Massachusetts Superior Court resentence
2 Mr. Vaskanyan to immediate parole eligibility. At that time, Mr. Vaskanyan had
3 accrued five (years) of good time. He also over-served his prison sentence by nine
4 years for a non-homicide case where he was not the principal actor. *See* Exhibit B
5 hereto.
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8 30. On May 7, 2024, Mr. Vaskanyan also had a hearing with the Advisory
9 Board of Pardons. Following the hearing, the Board recommended to
10 Massachusetts Governor Maura Healey that she grant Mr. Vaskanyan's request for
11 executive clemency in the form of a commutation. All seven of the Board members
12 voted in favor of commutation. *See* In the Matter of Artem Vaskanyan W70367
13 Petition for Commutation Report and Recommendation (Advisory Board of
14 Pardons) dated October 10, 2024. Exhibits B & C hereto.
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17 31. On November 12, 2024, Mr. Vaskanyan was released from criminal
18 custody and transferred to ICE custody. He benefited from "Release to parole
19 supervision" or RTS without the need for a parole hearing, based upon his
20 completion of credits earned through programming and education. *See* Exhibit D
21 hereto, Certificate of Mandatory Release to Supervision Pursuant to M.G.L. c. 127,
22 §130B dated November 8, 2024. The Certificate states that Mr. Vaskanyan would
23 be released on supervision until his sentence expires on June 11, 2025. Mr.
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1 Vaskanyan had been assigned a parole officer and would be obligated and
2 committed to following his parole conditions upon release. Mr. Vaskanyan's
3 brother's home in Massachusetts had been visited and approved for Mr. Vaskanyan
4 to live in while he remained on parole, and Mr. Vaskanyan would wear a
5 monitoring bracelet upon his release until June 11, 2025.
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8 32. While incarcerated, Mr. Vaskanyan grew up. He obtained a bachelor's
9 degree from Boston University (Exhibit E hereto), attended over thirty certificate
10 programs (Exhibit F hereto), learned English and Spanish, wrote several books, and
11 earned five years of "good time." Mr. Vaskanyan is a model for rehabilitation. Mr.
12 Vaskanyan is now 45 years old, and he is deeply remorseful for his crime. *See*
13 Exhibit A hereto (Declaration of Artem Vaskanyan).
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16 33. The Massachusetts Advisory Board of Pardons recognized Mr.
17 Vaskanyan's tremendous accomplishments in its recommendation to the governor
18 (Exhibit C hereto):
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20 Mr. Vaskanyan explained that, during his incarceration, he has
21 undergone spiritual and intellectual growth, which began by avoiding
22 negativity and taking responsibility for his actions. After his transfer to
23 a lower security facility, he devoted himself to learning English and
24 Spanish, eventually graduating from Boston University in 2020. He
25 has published two poetry books and a novel. He has also completed
26 over thirty programs, maintained employment, and sought out culinary
27 arts training. His goals for re-entry into the community include
28 working as a chef and obtaining a master's degree in fine arts and
poetry.

1 34. The three Board members who voted to commute Mr. Vaskanyan's
2 sentence to time served similarly concurred:
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4 Mr. Vaskanyan was 19 years old at the time, has served 23 years for a
5 non-loss of life crime, and he was not the shooter. His co-defendants
6 have been released. He had a second-grade education at the time of
7 arrest and is now a Boston University graduate, speaks three languages,
8 and is a published author. He has made exceptional strides in self-
development, completed over 30 programs, and presented a solid re-
entry plan." *Id.* at 23.

9 35. During his time in ICE custody in Central Falls, Rhode Island
10 beginning on November 22, 2024, Mr. Vaskanyan completed more than 56 course
11 hours for a total of 15 courses ranging from business leadership to an introduction
12 to Buddhism. Exhibit H hereto. He has found meaning in his incarceration and
13 contributed to the community, both behind and beyond the walls. *See* letters of
14 support at Exhibits G-I; K-N. Despite making a terrible mistake as a young man, he
15 is no longer the same person. Mr. Vaskanyan has more than demonstrated his
16 capacity for change and rehabilitation and poses no threat to public safety, as
17 evidenced by his release from state custody.
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21 36. In addition to his well-supported rehabilitation over the last 24 years,
22 numerous additional favorable factors support findings that Mr. Vaskanyan is
23 neither a flight risk nor a danger to the community. Mr. Vaskanyan's mother and
24 brother are naturalized US citizens and live in Springfield, MA. They are waiting to
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1 receive Mr. Vaskanyan into their home. *See* Exhibit O hereto (Declaration of Edgar
2 Vaskanyan); Exhibit P hereto (Declaration of Evelina Vaskanyan).

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4 37. Edgar Vaskanyan works full-time in Clinical and Support Options at
5 Friends of the Homeless shelter in Springfield, Massachusetts. He provides case
6 management for people of all ages from eighteen years of age and older, including
7 disabled, veterans, seniors, previously incarcerated individuals, and those who have
8 struggled with domestic violence, substance use, or both. Edgar is well-equipped to
9 help his brother re-integrate successfully into society. Exhibit O.
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12 38. Other individuals are also ready and willing to help Artem reintegrate
13 to the community. *See* Exhibit Q (letter from Pastor Fedor Songorov); Exhibit R
14 (letter offering support services by Thrive Communities in Lowell, MA). Each of
15 these supports are significantly favorable factors that will enable to Mr. Vaskanyan
16 to successfully transition to a safe and stable life outside of custody.
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19 39. Since he was ordered removed by the Boston Immigration Court in
20 2012, Mr. Vaskanyan has fully cooperated with ICE's efforts to obtain travel
21 documents for him and has proactively reached out to the consulates of Russia and
22 Azerbaijan on numerous occasions to obtain travel documents. He began these
23 efforts while he was still in criminal custody. Exhibit S hereto.
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25 40. As far back as ten years ago, Ms. Vaskanyan contacted the Russian
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1 embassy to determine if he had any legal status in Russia. In 2014, the Federal
2 Migration Service of Russia informed him there was no record of him living in
3 Russia as a child and that Russia would not recognize or accept him as a citizen.
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5 *See Exhibit T.*

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7 41. Mr. Vaskanyan also contacted the consulate for the Republic of
8 Azerbaijan on numerous occasions and cooperated with all requests for
9 documentation. *See, e.g., Exhibit S & U.*

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11 42. On or about February 1, 2025, without notice, ICE transferred Mr.
12 Vaskanyan from the Wyatt Detention Facility in Central Falls, RI to the Buffalo
13 Federal Detention Facility in Batavia, NY.

14
15 43. On or about February 10, 2025, ICE issued a Decision to Continue
16 Detention on the ostensible grounds that Mr. Vaskanyan poses “a danger to the
17 community, to the safety of other persons, or to property” and poses “a significant
18 flight risk.” *See Exhibit V hereto.*

19
20 44. On or about April 2, 2025, Mr. Vaskanyan filed a habeas petition with
21 the Western District of New York on the ground that he is stateless and his removal
22 was not reasonably foreseeable. *See Vaskanyan v. Kurzdorfer, et al., Case 1:25-cv-*
23 *00295-JLS (W.D.N.Y.).*

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25 45. On May 7, 2025, ICE interviewed Mr. Vaskanyan and provided no
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1 information or indication that it had any reason to believe it could obtain travel
2 documents for him to Russia or Azerbaijan.

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4 46. On May 20, 2025, ICE notified Mr. Vaskanyan's counsel that
5 Azerbaijan had made the decision that it would not provide travel documents for
6 him. Exhibit W hereto.

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8 47. On May 22, 2025, the District Court dismissed Mr. Vaskanyan's
9 petition because it had been filed before Mr. Vaskanyan had been in ICE custody
10 for 180 days.

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12 48. Subsequently to May 7, 2025, and for the first time since his order of
13 removal in 2012, ICE asked Mr. Vaskanyan to submit a citizenship application to
14 Armenia. While he is ethnically Armenian, Mr. Vaskanyan has never lived in
15 Armenia, has no relatives in Armenia, and does not speak Armenian. Mr.
16 Vaskanyan has no claim to citizenship in Armenia.

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18 49. ICE did not release Mr. Vaskanyan upon his 180-day custody review
19 despite that Mr. Vaskanyan is not a danger to the community, he is not a flight risk,
20 and ICE has not been able to obtain a travel document for Mr. Vaskanyan since his
21 removal order was issued in 2012 because he is stateless as set forth in Article I of
22 the 1954 Convention relating to the Status of Stateless Persons. *See* U.N. General
23 Assembly, *Convention relating to the Status of Stateless Persons*, United Nations,
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1 Treaty Series, Vol. 360, 136 (Sept. 28, 1954)¹ (“‘stateless person’ means a person
2 who is not considered as a national by any State under the operation of its law.”).

3
4 50. Mr. Vaskanyan is not a danger to the community, and in light of the
5 fact that Mr. Vaskanyan spent nine additional years in criminal custody than what
6 was constitutional for his age and convictions, he should not be subject to further
7 incarceration by Respondents because he is allegedly a danger to the community.
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9 51. Mr. Vaskanyan has matured and relentlessly pursued self-improvement.
10 He has obtained a formal college education and earned a wide range of vocational
11 and skill-based certificates, and self-published several books. He has participated in
12 collective group study, and engaged in extensive restorative justice and non-
13 violence training, as well as healing circles. Mr. Vaskanyan’s age at the time of his
14 crime, the time that has passed since the crime, and the extensive evidence of his
15 rehabilitation and capacity for change are all significant mitigating factors
16 supporting the conclusion that Mr. Vaskanyan is not a current threat to public
17 safety. Indeed, Mr. Vaskanyan was released from state custody through the RTS
18 program because of the substantial “good time” he accrued in prison. Individuals
19 who have gotten to know Mr. Vaskanyan speak highly of him and his good
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26 ¹ Available at https://treaties.un.org/doc/Treaties/1960/06/19600606%2001-49%20AM/Ch_V_3p.pdf.

1 character. *See* Exhibits G-I; K-N.

2 52. Mr. Vaskanyan is not a flight risk. Mr. Vaskanyan has been separated
3 from his mother and brother for 24 years. He and they want nothing more than to be
4 reunited as a family and to live together in Springfield, Massachusetts. *See* Exhibits
5 O and P. Mr. Vaskanyan has no reason or desire to run off and live elsewhere in the
6 United States. He would not jeopardize his ability to obtain lawful work and other
7 benefits flowing from an Order of Supervision by failing to check-in with ICE or
8 adhere to supervision requirements.
9

10 53. On or about June 9, 2025, without notice to counsel and upon
11 information and belief, Respondents transferred Mr. Vaskanyan to a facility in
12 California.
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14 **LEGAL ARGUMENT**

15 54. If a person “provides good reason to believe that there is no significant
16 likelihood of removal in the reasonably foreseeable future,” the Government must
17 either “respond with evidence sufficient to rebut that showing” or release them
18 from detention under supervision. *Id.* at 701.
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20 55. The government’s “good faith efforts” to remove an individual
21 sufficient to meet this standard. *Zadvydas*, 533 U.S. at 702. As the length of
22 detention grows, the period of time that would be considered the “reasonably
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1 foreseeable future” conversely shrinks. *Id.* at 701.

2 56. If a court finds removal *is* reasonably foreseeable, the court may still
3 order release and may consider the risk posed by the individual to community
4 safety in determining whether to do so. *Id.* While dangerousness may justify
5 immigrant detention in certain cases, the Court “uph[o]ld[s] preventive detention
6 based on dangerousness only when limited to specially dangerous individuals and
7 subject to strong procedural protections.” *Id.* at 690-91.
8

9 57. Mr. Vaskanyan is currently detained under DHS’s 8 U.S.C. §
10 1231(a)(6) authority. His detention is thus under the direct purview of *Zadvydas*.
11

12 58. The government’s inability to deport Mr. Vaskanyan since they first
13 took him into custody – and having had the opportunity to obtain proof of Mr.
14 Vaskanyan’s citizenship to Azerbaijan, Russia, or now Armenia, beginning in 2012
15 - provides strong evidence that there does not exist a significant likelihood that they
16 will be able to remove Petitioner in the reasonably foreseeable future.
17

18 59. Accordingly, unless Respondents can supply sufficient evidence to the
19 contrary, they should immediately release Mr. Vaskanyan from their custody
20 because his “continued detention [has become] unreasonable and [is] no longer
21 authorized by statute.” *Zadvydas*, 533 U.S. at 699- 700. In facilitating Mr.
22 Vaskanyan release, Respondents may implement appropriate supervision
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1 requirements on Petitioner that comply with his substantive and procedural rights.

2 60. The government interest in “preventing flight [] is weak or nonexistent
3 where removal seems a remote possibility at best.” *Zadvydas*, 533 U.S. at 690. Any
4 speculative public safety rationale that Respondents may proffer would be
5 attenuated and outweighed by Mr. Vaskanyan’s strong liberty interest.
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8 **CLAIMS FOR RELIEF**

9 **COUNT ONE**

10 **VIOLATION OF THE FIFTH AMENDMENT OF THE UNITED STATES**
11 **CONSTITUTION**

12 61. Petitioner re-alleges and incorporates by reference each and every
13 allegation contained in the preceding paragraphs as if set forth herein.
14

15 62. “[I]f removal is not reasonably foreseeable, the court should hold
16 continued detention unreasonable and no longer authorized by statute.” *Zadvydas*,
17 533 U.S. at 699-700. The court should then order the person’s release and condition
18 it upon “various forms of supervised release that are appropriate in the
19 circumstances[.]” *Id.* at 700.
20

21 63. Even if removal is determined to be reasonably foreseeable, this court
22 should order release unless it finds there is a “special justification” that outweighs
23 Mr. Vaskanyan’s strong liberty interests in release from confinement. *Id.* at 690,
24 701.
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- 1 b. Use its authority under 28 U.S.C. § 2243 to order the Respondents to
2 file a return within three days, unless they can show good cause for
3 additional time;
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5 c. Pending the adjudication of this Petition, order Respondents to
6 provide seventy-two (72) hour notice of any movement of Mr.
7 Vaskanyan from the Adelanto ICE Processing Center;
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9 d. Issue a writ of habeas corpus ordering Respondents to immediately
10 release Petitioner with reasonable terms of supervised release should
11 Respondents not be able to rebut Petitioner's showing that there does
12 not exist a significant likelihood that Respondents will be able to
13 remove Petitioner from the United States in the reasonably
14 foreseeable future;
15
16 e. Award Petitioner his costs and reasonable attorneys' fees in this
17 action as provided for by the Equal Access to Justice Act, 28 U.S.C. §
18 2412; and
19
20 f. Grant any other and further relief that this Court deems just and
21 proper.
22
23 g. Order such other relief as this Court may deem just and proper.
24

25
26 Dated: June 12, 2025

Respectfully submitted,

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