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11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 ARTEM VASKANYAN,

14 Petitioner,

15 v.

16 JAMES JANECKA, Warden, Adelanto
17 ICE Processing Center, THOMAS
GILES, Los Angeles ICE Field Office
18 Director, TODD LYONS, Acting
Director of U.S. Immigration and
19 Customs Enforcement, KRISTI NOEM,
Secretary of the U.S. Department of
20 Homeland Security; PAMELA BONDI;
Attorney General of the United States,
21

22 Respondents.

No. 5:25-cv-01475-MRA-AS

**RESPONDENTS' ANSWER TO
PETITION FOR WRIT OF HABEAS
CORPUS**

Honorable Monica Ramirez Almadani
United States District Judge

ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

Petitioner Artem Vaskanyan (“Petitioner”) brought a Petition for Writ of Habeas Corpus (the “Petition”) and Application for Temporary Restraining Order (the “TRO”) challenging his detention pending removal pursuant to the Fifth Amendment’s Due Process Clause and *Zadvydas v. Davis*, 533 U.S. 678 (2001). See Petition, ECF No. 1; TRO, ECF No. 10. The Court granted the TRO application in part on June 25, 2025. See ECF 18. That order remains in effect as of this date. In his Petition, Petitioner seeks immediate release from detention.

Petitioner is subject to a final order of removal. Respondents have requested, and were afforded, time to pursue removal of Petitioner to Armenia. Now that the Office of Enforcement and Removal Operation (“ERO”) has received a preliminary response from the Armenian Consulate, Respondents have additional information with which to answer the Petition, and do so now.

II. RELEVANT FACTS AND PROCEDURAL HISTORY

The following background facts are offered as not in dispute from Plaintiff’s Complaint (ECF No. 1), Plaintiff’s TRO Application, (ECF No. 10), the Declaration of Deportation Officer Jorge Suarez (ECF No. 14-1).

Petitioner is a native of the U.S.S.R., more specifically the Soviet Republic of Azerbaijan. ECF 1 at ¶21; ECF 10 at p. 4; ECF 14-1 at ¶ 3. He is of Armenian Christian descent. ECF 1 at ¶¶ 10; 21. In approximately 1986, Petitioner fled the Soviet Republic of Azerbaijan to Russia. ECF 1 at ¶ 22. The Soviet Republic of Azerbaijan no longer exists. *Id.* at ¶ 24; ECF 10 at p. 4.

According to INS I-94 records, Petitioner first entered the United States on June 17, 1993, at New York, New York, as a refugee. ECF 14-1 at ¶ 4; ECF 1 at ¶ 23. He became a lawful permanent resident in 1994. ECF 14-1 at ¶ 5.

On December 19, 2001, the Petitioner was convicted in the Hampden Superior

1 Court at Springfield, Massachusetts for the offense of Home Invasion, in violation of
2 Massachusetts General Laws chapter 265, section 18C, as well as additional counts of
3 Armed Assault with Intent to Rob, two counts of Assault and Battery with a Dangerous
4 Weapon, and one count of Assault and Battery. ECF 14-1 at ¶ 6. For those offenses, the
5 Petitioner was sentenced to 25 to 30 years in prison. *Id.*

6 On May 4, 2011, ICE placed the Petitioner into removal proceedings with the
7 issuance of a Notice to Appear (NTA) charging the Petitioner as removable under
8 Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (Act). *Id.* at ¶ 7.

9 On April 26, 2012, the Petitioner was ordered removed to Russia, or in the
10 alternative, Azerbaijan, by the Boston Immigration Court. *Id.* at ¶ 8. Petitioner did not
11 appeal, and the removal order is final. *Id.*

12 On November 12, 2024, Petitioner was released from Massachusetts Departments
13 of Corrections to ICE custody. *Id.* at ¶ 9; *see also* ECF 1 at ¶ 31.

14 Since taking custody of Petitioner in November 2024, ICE has determined that it
15 will not be possible to remove the Petitioner to Azerbaijan or to Russia. *Id.* at ¶ 10; *see*
16 *also* ECF 1 at 46. In light of this, and based upon Petitioner's Armenian descent, ICE
17 elected to pursue the possibility of removing the Petitioner to Armenia. *Id.* at ¶ 12.

18 Petitioner filled out all necessary forms to apply for recognition of Armenian
19 citizenship and the issuance of Armenian travel documents. ECF 14-1 at ¶ 13. The
20 requisite filings were forwarded to the Armenian consulate for their consideration. *Id.* at
21 ¶ 14.

22 Because ICE was awaiting a response from the Armenian Consulate, the parties
23 stipulated, and the Court approved, additional time to respond to the Court's Order to
24 Show Cause. *See* ECF 22.

25 As of this date, ICE has received a response from the Armenian Consulate
26 indicating that it will not issue travel documents at this time. Rather, the Consulate has
27 requested additional information from the Petitioner. ICE does not know whether the
28

requested information can be obtained or provided by Petitioner, or when any subsequent response will be received from the Consulate.

III. APPLICABLE LAW

Petitioner's detention was authorized under is 8 U.S.C. § 1231(a)(2), which provides that "[d]uring the removal period, the Attorney General shall detain the alien." 8 U.S.C. § 1231(a)(2). Under 8 U.S.C. § 1231(a)(1)(A), the government generally has 90 days to facilitate the alien's removal. *Thai v. Ashcroft*, 366 F.3d 790, 793 (9th Cir. 2004) (citation omitted); *see also* 8 U.S.C. § 1231(a)(1)(A). Where removal cannot be accomplished within the 90-day removal period, continued detention is authorized by 8 U.S.C. § 1231(a)(6) ("An alien ordered removed ... who has been determined by the Attorney General to be a risk to the community or unlikely to comply with the order of removal, may be detained beyond the removal period...").

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that 8 U.S.C. § 1231(a)(6) contained an implicit "reasonable time" limitation. *Zadvydas*, 533 U.S. at 682. The Court concluded that, for the sake of uniform administration in the federal courts, six months was a presumptively reasonable period of detention pending removal. *Id.* at 701. The Court elaborated:

After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing ... This 6-month presumption, of course, does not mean that every alien not removed must be released after six months. To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.

Zadvydas, 533 U.S. at 701 (emphasis added.)

Thus, even when an alien is detained for longer than six months, the alien is not automatically entitled to habeas relief. He still has the burden to show that there is "good reason to believe that there is no significant likelihood of removal in the

1 reasonably foreseeable future.” *Id.*; see also *Clark v. Suarez-Martinez*, 543 U.S. 371,
2 377–78 (2005). The Ninth Circuit has held that meeting this burden requires the alien to
3 show that he “is unremovable because the destination country will not accept him or his
4 removal is barred by our own laws.” *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th
5 Cir. 2008). Only if the alien can make this showing does the burden shift to Respondents
6 to provide rebuttal evidence. *Zadvydas*, 533 U.S. at 701.

7 Here, it is undisputed that Petitioner has been detained since November 2024,
8 which is more than six months. It is further undisputed that ICE was unable to obtain
9 travel documents for him to Russia or Azerbaijan, which are the countries designated by
10 Petitioner’s removal order.

11 ICE seeks to remove Petitioner to a third country, Armenia. As of this date, ICE
12 has received a response from the Armenian Consulate indicating that it will not issue
13 travel documents at this time. Rather, the Consulate has requested additional information
14 from the Petitioner. ICE does not know whether the requested information can be
15 obtained or provided by Petitioner, or when any subsequent response will be received
16 from the Consulate.

17 ICE is continuing to detain Petitioner while removal efforts are ongoing.

18 **IV. CONCLUSION**

19 Respondents respectfully submit that Petitioner’s Habeas Petition is now ripe for
20 adjudication.

1 Dated: July 17, 2025

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